

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PENDLETON HEIGHTS GAY-STRAIGHT
ALLIANCE,

Plaintiff,

CIVIL ACTION NO.

1:21-cv-02480-JRS-TAB

vs.

SOUTH MADISON COMMUNITY
SCHOOL CORPORATION, et al.,

Defendants.

THE 30(b)(6) DEPOSITION OF
PENDLETON HEIGHTS HIGH SCHOOL
UPON ORAL EXAMINATION OF
PRINCIPAL CONNIE RICKERT

The 30(b)(6) deposition of Pendleton Heights High School, upon oral examination of Principal Connie Rickert, a witness produced and sworn before me, Paula A. Morgan, Notary Public in and for the County of Hamilton, State of Indiana, taken on the 15th day of November, 2021, in the offices of the South Madison Community School Corporation, 203 South Heritage Way, Pendleton, Madison County, Indiana, pursuant to the Federal Rules of Civil Procedure. This deposition was taken on behalf of the Plaintiff in the above-captioned matter.

ASSOCIATED REPORTING, INC.
251 East Ohio Street, Suite 940
Indianapolis, Indiana 46204
(317) 631-0940
www.associated-reporting.com

APPEARANCES

FOR THE PLAINTIFF:

Kenneth J. Falk
Stevie J. Pactor
ACLU OF INDIANA
1031 East Washington Street
Indianapolis, Indiana 46202

FOR THE DEFENDANTS:

Liberty L. Roberts
CHURCH CHURCH HITTLE & ANTRIM
Two North Ninth Street
Noblesville, Indiana 46060

ALSO PRESENT:

Dr. Mark Hall - South Madison Community
School Corporation

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1 (Deposition Exhibits 1 through 9 were marked for
2 identification.)

3 C O N N I E R I C K E R T, the witness herein,
4 having been first duly sworn to tell the truth, the
5 whole truth, and nothing but the truth, was examined
6 and testified as follows:

7 EXAMINATION,

8 QUESTIONS BY MR. FALK:

9 Q State your name, please.

10 A Connie Rickert.

11 Q And how do you spell your last name, for the court
12 reporter?

13 A R-I-C-K-E-R-T.

14 Q What is your current position?

15 A Principal at Pendleton Heights High School.

16 Q And I know, from talking to you before we started,
17 that this is your first deposition?

18 A Correct.

19 Q And you hope to be your last deposition?

20 A Correct.

21 Q Okay. Well, I'm sure your attorney told you this is
22 just an asking/answering questions under oath.

23 A Uh-huh.

24 Q There is no judge here, but everything you're saying
25 is being taken down by the court reporter. Okay?

1 A Yes.

2 Q Okay. And you're going to have to speak loudly
3 enough for the court reporter to hear.

4 A No problem.

5 Q And we're going to have to make sure we don't talk
6 over each other so that the court reporter can get
7 everything down. Okay?

8 A Okay.

9 Q If at any point you don't understand my question, if
10 I speak too fast -- I guarantee you I will not speak
11 too slowly, but if I speak too fast or if I lapse
12 into incoherence, let me know. Otherwise, I'll
13 assume you understand the question. Okay?

14 A Okay.

15 Q If at any point you want to talk to your attorney,
16 you, of course, can do so. The only rule is that you
17 need to answer the question that's pending before you
18 before you talk to the attorney. Okay?

19 A Okay.

20 Q I'm showing you what's been marked as Exhibit 1. Do
21 you recognize this document?

22 A Yes.

23 Q And this actually is an amended document. I added a
24 paragraph to it and sent it to your attorney last
25 week. I added paragraph 3 on the Request for

1 Production at the end, so I'm not sure if you saw
2 this one. It's fine. And I apologize. I didn't
3 change the Certificate of Service. I'm sorry. I
4 forgot.

5 But you are -- you recognize this as a Notice of
6 Deposition for the principal of Pendleton Heights
7 High School in her official capacity; is that
8 correct?

9 A Yes.

10 Q And the notice asks that the principal designate one
11 or more persons to testify on behalf of the principal
12 as to the subjects listed in the deposition. And you
13 have designated yourself to testify; is that correct?

14 A Correct.

15 Q Lawyers.

16 MS. PACTOR: Much to her dismay. She wishes
17 she'd found somebody else.

18 Q And how long have you been the principal at the high
19 school?

20 A This is my fourth year.

21 Q And were you with the school system before then?

22 A Yes.

23 Q What was your -- what were your position or
24 positions?

25 A It was assistant principal. And I started in the

1 2008-2009 school year.

2 Q At Pendleton Heights High School?

3 A Correct.

4 Q And prior to that were you with the South Madison
5 Community School Corporation?

6 A No.

7 Q And the high school is grades 9 through 12; is that
8 correct?

9 A Correct.

10 Q And approximately how many students are enrolled?

11 A Last I checked, it was 1,413.

12 Q Approximately.

13 A Approximately, yeah.

14 Q Okay. And you understand that we're involved in a
15 lawsuit here that claims that the Pendleton Heights
16 Gay-Straight Alliance is not being given the same
17 benefits as other similarly situated student clubs
18 and organizations? Is that your understanding?

19 A Yes.

20 Q And I'm probably just going to lapse into saying
21 "GSA" for the club. Is that okay?

22 A Yes.

23 Q And it's my understanding, from looking through the
24 material I've seen, that the school and Corporation
25 recognizes that there are Corporation-sponsored clubs

1 or activities and those that are not sponsored; is
2 that fair?

3 A Correct, that there are Corporation-sponsored
4 activities and nonCorporation activities.

5 Q And sometimes I see the word or I've used the word
6 "club" or "activity," but it's all -- we're all
7 talking the same thing when we mention activity.
8 Those are groups allowed for students either because
9 they're Corporation-sponsored or they're not
10 Corporation-sponsored; is that correct?

11 A Correct.

12 Q Okay. And I've been provided some documents from
13 your attorney that appear -- or that are from, I
14 assume, the South Madison Policy Manual and some from
15 the Administrative Guideline Manual. And I'll show
16 you what's been marked as Exhibit 2, Exhibit 3, and
17 Exhibit 4.

18 And I just have a general question first. Some
19 of these, like Exhibit 4, says "Administrative
20 Guideline Manual," whereas Exhibit 2 says "Policy
21 Manual." Do you know the difference between the
22 Policy Manual and Administrative Guideline Manual?

23 A No.

24 Q Okay. But --

25 A Say that again.

1 Q I'm just asking generically if there's a distinction
2 between the Administrative Guideline Manual and the
3 Policy Manual.

4 Do you see on the top of Exhibit 2 it says "Book
5 Policy Manual," and then on Exhibit 4 it says "Book
6 Administrative Guideline Manual"? I'm just curious
7 to know if there's a difference between the two.

8 A I'm not aware of a difference.

9 Q Okay. But these are generated by the Board --
10 they're generated by the Board that oversees South
11 Madison Community School Corporation; is that
12 correct?

13 A That's correct.

14 Q And I guess their technical name of the School Board
15 is the Board of Trustees of the South Madison
16 Community School Corporation; is that correct?

17 A Yes.

18 Q Okay. And just looking at Exhibits 2, 3, and 4,
19 these are guidelines that govern or concern both
20 Corporation-sponsored and nonCorporation-sponsored
21 clubs and activities.

22 Are you aware of any other Board-generated
23 guidelines governing Corporation-sponsored and
24 nonCorporation-sponsored activities?

25 A No.

1 Q Okay.

2 A That decide how a club becomes a club?

3 Q And -- exactly. And differentiates between those
4 that are Corporation-sponsored and nonCorporation-
5 sponsored.

6 A There might be policies that decide, like, how the
7 Corporation-sponsored clubs run or how they
8 advertise. So, like, there's -- but, no, I think
9 these are good.

10 Q Okay. But off the top of your head you're not aware
11 of any others at this point?

12 A Do you mind if I look at my notes to see if there are
13 additional ones? I think --

14 Q Of course.

15 A -- these are the three that I have in here.

16 MR. FALK: We can go off the record, if you want.

17 (A discussion was held off the record.)

18 A So when I asked the question exactly what do you
19 mean, are these the only policies that relate to
20 clubs and organizations, is that are these the only
21 policies that tell how a club can become a club?

22 Because in other areas, like Student Supervision
23 and Welfare, we have policies of how those kids in
24 clubs and organizations are to be supervised.

25 Q Okay.

1 A So that's my question --

2 Q Okay.

3 A -- back to you.

4 Q Well, usually you're not allowed to ask questions in
5 depositions, but I deserve it.

6 Aside from those other policies that deal with
7 supervision once the students are in the club or
8 activity, are you aware of any other policies or
9 guidelines issued by the School Corporation
10 concerning organizations and clubs?

11 A There's -- 9700 is Relations with Special Interest
12 Groups.

13 Q Okay. And that governs the ability of internal club
14 to have -- I mean a school club or organization to
15 have connections with outside groups?

16 A As well as advertisements, I think.

17 Q Advertisements in the school or other advertisements?

18 A In the school as well. So letter "D" is Distribution
19 and Posting of Literature.

20 Q Okay. And do you have that in front of you?

21 A I do.

22 MR. FALK: Could we go off the record, and could
23 I look at that for just a second?

24 MS. ROBERTS: Yes.

25 (A discussion was held off the record.)

1 (Deposition Exhibit 11 was marked for
2 identification.)

3 Q I'm showing you what's been marked Exhibit 11. We
4 were talking off the record about a policy 9000 that
5 I'm showing you as Exhibit 11.

6 MS. ROBERTS: Is that 9700?

7 MR. FALK: Oh, I'm sorry.

8 THE WITNESS: Yes, 9700.

9 Q And that is a policy that governs the relationship of
10 outside groups that may have a relationship with
11 internal school organizations; is that correct?

12 A Correct.

13 Q And you had indicated, when you were talking about it
14 before I looked at it, that it talked about
15 advertising. Looking at it very quickly, Exhibit 11,
16 it appears that that concerns the ability of the
17 outside group to advertise; is that correct?

18 A Correct.

19 Q Not the student organization?

20 A Right.

21 Q Okay. Okay. So let's go back to Exhibit 2, which
22 you have in front of you. And this indicates it was
23 adopted by the School Board on July 21, 2011?

24 A Correct.

25 Q And it's active, so it's still in effect; is that

1 correct?

2 A Correct.

3 Q And it has a definition in the third paragraph, A
4 through D, of curricular-related activities; is that
5 correct?

6 A Correct.

7 Q And that is a definition that is used by the high
8 school and the School Corporation to determine if a
9 student activity is curricular-related or not
10 curricular-related; is that correct?

11 A Correct.

12 Q I note that in the four-part definition -- and I
13 assume that if the activity falls into any one of
14 these four categories, it's deemed to be
15 curricular-related; is that correct?

16 A Could you repeat the question, please.

17 Q Sure. Exhibit 2 defines what curricular-related
18 activities are. And if the activity is either A, B,
19 C or D -- just has to be one of them -- it's
20 curricular-related; is that correct?

21 A Correct.

22 Q And what is -- looking at "B," it says, "The subject
23 matter concerns the Corporation's composite courses
24 of study." What's a composite course of study?

25 A I believe it to be the courses that we have to take

1 to earn an Indiana diploma. So there's 40 credits
2 that a student has to take in order to earn a high
3 school diploma.

4 And then, in addition to that, composite course
5 of study, there's two other -- sorry. There are two
6 other buckets, which is employability skills, as well
7 as post-secondary competency.

8 So to earn an Indiana diploma we have to have the
9 40 credits earned, we have to show we have
10 employability skills in the state of Indiana, and we
11 have to show post-secondary competencies. That's
12 measured by test scores, the ASVAB, and scoring a 31
13 or higher on that, or taking the SAT and scoring a
14 certain score on that. There's multiple other ways
15 to fill each bucket in bucket 2 or bucket 3, but the
16 gist of it is they have to earn 40 credits, they have
17 to show employability skills, and then they have to
18 show competencies for post-secondary.

19 Q How do you tell if a club or activity concerns the
20 composite courses of study?

21 A If they would be related to courses that allow for a
22 student to earn the 40 credits. So Health is a
23 mandatory course. All students have to have that as
24 a credit, so if we had a curricular club that relates
25 to the standards in health and also is the curriculum

1 that we teach in the classroom.

2 Q So it has to be curriculum-related?

3 A Correct.

4 Q And it looks like Exhibit 3 was adopted the same day,
5 July 21, 2011?

6 A Correct.

7 Q And it's still in effect as well; is that correct?

8 A Correct.

9 Q And this provides for equal access for
10 nonCorporation-sponsored clubs and activities. Is
11 that the purpose of this provision?

12 A Yes.

13 Q And Exhibit 3 indicates that it's up to the principal
14 to approve or deny nonCorporation-sponsored student
15 clubs and activities; is that correct?

16 A Yes.

17 Q And that you have the final authority there; is that
18 correct, as principal?

19 A I get the ability to propose those to the School
20 Board, and then the School Board votes on clubs that
21 are approved or non-approved.

22 Q So every club that meets at the school, whether it's
23 curricular-related or noncurricular-related, has been
24 approved by the School Board; is that correct?

25 A Sorry. That is not correct. So every club that is a

1 Pendleton Heights Corporation curricular club is
2 proposed to the School Board and approved.

3 And then non-sponsored clubs do not have access
4 to our announcements across the board.

5 Q Okay. I haven't asked you about that yet --

6 A I know.

7 Q -- but good to get it out. Non-sponsored means
8 non-sponsored order by the Corporation, correct?

9 A Correct.

10 Q Do they have to be approved by the School Board or
11 just by you? Just by the principal, excuse me.

12 A I could -- I could allow for non-sponsored clubs to
13 be on the announcements, like --

14 Q No, I'm sorry. I'm not asking yet about
15 announcements. I'm just asking about their
16 existence.

17 A Okay.

18 Q Who approves their existence?

19 A The existence of non-sponsored groups?

20 Q Right.

21 A No one. They're just out there. Like, they're not
22 school-sponsored, so there could be any club
23 that's -- sorry. I'm probably not understanding your
24 question.

25 Q Well, it's my fault. Let me start again. Let's talk

1 about the GSA here.

2 A Okay.

3 Q And we'll get to it, but your lawyer gave me a piece
4 of paper that was submitted by a faculty person to
5 sponsor the GSA. It is a nonCorporation-sponsored
6 club, but you signed off on it being able to meet in
7 the school, correct?

8 A Correct.

9 Q So my question, now speaking generally about all --
10 and we'll go through which ones they are -- all
11 nonCorporation-sponsored clubs or activities, if
12 they're meeting in the school, do you, as principal,
13 have to sign off on that?

14 A Yes. I like to be aware of what happens in our
15 building.

16 Q Okay. And does that then get approved by the School
17 Board, or does it stop with you saying this is a
18 nonCorporation-sponsored club that can meet in
19 Mrs. Smith's room Thursday after instructional time?

20 A Yes, as long as it's not an organization that could
21 have liability with it. So if there was -- for
22 example, Pendleton Rugby might have kids that get
23 hurt while playing, so then that does go to the
24 Central Office so that they can collect liability
25 insurance paperwork.

1 Q But other than that, then you have the final say?

2 A Yes. If it's just a meeting where we don't expect
3 someone to get injured, then I have final say.

4 Q Okay. I'm showing you what's been marked as
5 Exhibit 4. And this is the policy or guideline from
6 the manual that deals with Corporation-sponsored
7 clubs and activities, correct?

8 A Yes.

9 Q And clubs and activities are the same thing, correct?
10 They're student groups; is that fair?

11 A Yes.

12 Q Okay. And this is still in effect today; is that
13 correct?

14 A Correct.

15 Q And Exhibit 4, which you're looking at, talks about
16 co-curricular and extra-curricular clubs and
17 activities.

18 A Uh-huh.

19 Q What is the difference?

20 A The difference between co-curricular and
21 extra-curricular activities?

22 Q Right.

23 A Co-curricular is -- my understanding of co-curricular
24 would be organizations or activities that receive a
25 grade. So, for example, we have Choir, and they have

1 extra-curricular activities where they perform at
2 night. And so performing at that concert is part of
3 their grade, so it's co-curricular.

4 And extra-curricular activities does not link
5 back to a grade in the curriculum.

6 Q Okay. So there are Corporation-sponsored clubs,
7 activities, groups, however you want to say that,
8 that are both curricular and co-curricular; is that
9 correct?

10 A Yes. We have groups that are co-curricular and
11 extra-curricular.

12 Q That are Corporation-sponsored?

13 A Correct.

14 Q And Corporation-sponsored means that they meet one of
15 the four characteristics noted in Exhibit 2
16 concerning Corporation-sponsored clubs and
17 activities; is that correct?

18 A Typically, clubs -- yes. Yes.

19 Q And is there a set time during the week when
20 Corporation-sponsored clubs, activities, groups are
21 allowed to meet, or is it different for each
22 activity?

23 A They meet before or after school.

24 Q And the same with clubs, activities or groups that
25 you have approved that are not sponsored by the

1 Corporation, correct?

2 A Correct.

3 Q You've reviewed the complaint that was filed in this
4 case, the document that started the case?

5 A Correct.

6 Q And you're aware -- and, obviously, you've spoken
7 about it briefly already, about some of the benefits
8 that are afforded to curriculum -- or to
9 Corporation-sponsored clubs, activities, and groups
10 as opposed to those that are not. And we'll talk
11 about specific clubs, but I just want to sort of
12 finish up with what you started to talk about.

13 If I am a Corporation-sponsored club -- which
14 we've agreed means I meet one of the four
15 characteristics in Exhibit 2, correct?

16 A Yes.

17 Q -- I'm allowed to advertise in the school; is that
18 correct?

19 A Correct.

20 Q And what kind of advertising am I doing?

21 A We have our Pendleton Heights afternoon
22 announcements, we have a few bulletin boards in our
23 stairwells, and we have a digital electronic bulletin
24 board.

25 Q And the afternoon announcements are broadcast through

1 the radio station, through an intercom system in the
2 school; is that correct?

3 A Correct.

4 Q And you have bulletin boards in -- there are three
5 main stairwells; is that correct?

6 A Yes. I believe that there are two bulletin boards.
7 We have five stairwells.

8 Q Okay. There are two bulletin boards over five
9 stairwells, or there are two bulletin boards in each
10 of the five stairwells?

11 A There are two bulletin boards total.

12 Q Okay.

13 A Two of the five stairwells have bulletin boards.

14 Q And then as you walk into the high school, there's a
15 digital running display where you can also be
16 advertising; is that correct?

17 A Correct.

18 Q And the groups that are Corporation-sponsored are
19 allowed, at times, to do fundraising in the school;
20 is that correct, or on school property?

21 A I'm sorry. I didn't hear your first part.

22 Q The Corporation-sponsored groups are allowed to do
23 fundraising in the school or on school property?

24 A Correct, as long as it doesn't interfere with our
25 wellness and nutrition policy.

1 Q Seems to be taking a lot of fun out of it, but okay.

2 And some of the fundraisers are selling food, I
3 gather?

4 A Yes.

5 Q What other fundraisers are there?

6 A We've had T-shirts sold. They've done dances.

7 Q Charge admission?

8 A Uh-huh.

9 Q Dances at the school?

10 A Correct.

11 Q And there's also a Student Handbook for the high
12 school; is that correct?

13 A Correct.

14 Q And that Handbook, I know, lists clubs and
15 organizations; is that correct?

16 A Correct.

17 Q And are all the clubs and organizations listed in the
18 Handbook those that have been or were
19 Corporation-sponsored?

20 A There is an error in the Handbook, in our current
21 Handbook, that has not been edited.

22 Q Well, let me show you -- I'm getting ahead of myself,
23 but what the heck. I'm showing you what's been
24 marked as Exhibit 5. And this is your current
25 Handbook; is that correct?

1 A Correct.

2 Q And the error is, I'm sorry?

3 A The error is Mat Maids. Mat Maids has not existed
4 since I was working at South Madison.

5 MR. FALK: Can we go off the record for a second?

6 MS. ROBERTS: Sure.

7 (A discussion was held off the record.)

8 Q Okay. Anything else besides Mat Maids that's no
9 longer in the school?

10 A I do not believe so.

11 Q Okay. If you would like to start Mat Maids again, I
12 know where you can look for --

13 A A leader.

14 Q A leader, yes.

15 Okay. So the curriculum-related clubs and
16 organizations, they're allowed to advertise; they're
17 allowed to fundraise; they're listed in the Handbook.

18 Are there any other benefits that they receive
19 being a curriculum-related club, organization or
20 group?

21 A You said they're allowed to advertise. They're
22 allowed to meet. I do not recall another benefit
23 that they have that would be important to this
24 conversation.

25 Q Okay. Any one at all?

1 A Any other benefits that they have?

2 Q Right.

3 A No.

4 Q Okay. Now, the noncurriculum-related clubs, which
5 you approve and are allowed to meet at the school,
6 they also are meeting during non-instructional time;
7 is that correct?

8 A Correct.

9 Q But they're not allowed to advertise, they're not
10 allowed to fundraise, and they're not listed in the
11 Handbook; is that correct?

12 A Correct.

13 Q And by "not allowed to advertise" I mean not allowed
14 to advertise on the school bulletin boards or on the
15 digital display or through the radio station; is that
16 correct?

17 A Correct.

18 Q Now, going back to Exhibit 3, the second to the last
19 paragraph from the bottom says that, "A student
20 initiated group granted permission to meet on school
21 premises shall be provided the same rights and access
22 and shall be subject to the same administrative
23 guidelines that govern the meetings of student
24 organizations sponsored by this Board, except as
25 provided by this policy."

1 The Board-sponsored organizations that this
2 refers to, those are the ones that we're talking
3 about that are deemed to be curriculum-related, using
4 the definition in Exhibit 2; is that correct?

5 A Correct.

6 Q Does this policy, looking now at Exhibit 3, this
7 paragraph, does that allow noncurriculum-related
8 clubs to be treated differently than curriculum-
9 related clubs?

10 A Yes, I believe so. I believe that we can deny all
11 non-sponsored clubs, but we cannot deny on the basis
12 of the categories listed there.

13 Q Okay. Now going back to Exhibit 5, I think we've
14 established, except for the sorely departed Mat
15 Maids, all the clubs and organizations listed in
16 Exhibit 5 are meeting at the school at the current
17 time; is that correct?

18 A Yes.

19 Q So each of these clubs and organizations were deemed
20 to be curriculum-related, using the definition in
21 Exhibit 2; is that correct?

22 A Correct.

23 Q Okay. Now, just going through these real quickly,
24 the Academic Club, do students receive credit for
25 that?

1 A The Academic Club?

2 Q Yes.

3 A No, they do not receive a credit. That is really
4 more of -- or sorry. They do not receive a credit
5 for that. That is where they participate against
6 other schools in the Hoosier Heritage Conference.

7 Q Right. How is that curriculum-related?

8 A And so those students are recalling information from
9 their classes. So, for example, they have a history
10 team that competes against other schools and recalls
11 facts that they study in World History and Euro,
12 European history.

13 Q Okay. So they're recalling information that they may
14 have learned at school or other places as well, I
15 assume?

16 A Yes.

17 Q Okay.

18 A And then it also -- there's a math team, and there's
19 a fine arts team as well that also is recalling
20 information that they would learn in their
21 curriculum.

22 Q Or elsewhere?

23 A Or elsewhere.

24 Q I mean, they don't have to take certain courses to be
25 on the Academic Club?

1 A Correct.

2 Q Okay. Art Club is open to people who have completed
3 one year of high school art, but the students do not
4 necessarily have to be in art when they're
5 participating in the club; is that correct?

6 A Correct.

7 Q And, again, they don't get credit for that; is that
8 correct?

9 A Correct.

10 Q And what is Best Buddies?

11 A Best Buddies is an organization dedicated to Indiana
12 social, physical, and economic isolation, as
13 described in our Student Handbook.

14 Q And do they get credit for participating in that?

15 A They get credit for their employability skills.

16 So, as I mentioned, we have -- a diploma in the
17 state of Indiana has three buckets that they have to
18 fill. So they do the 40 credits, employability
19 skills, and the post-secondary is the third bucket.

20 And so students do have the sponsor sign off on
21 the employability skills when they're in certain
22 clubs that would do activities that show leadership,
23 organization, collaboration, any of the employability
24 skills listed for the state of Indiana.

25 Q And in Best Buddies are students --

1 A Sorry. So it's not a credit as in the 40 credits,
2 bucket 1, but it's a credit in that they have to
3 document that they have shown employability skills.

4 Q And who's showing the employability skill, the
5 developmentally disabled student who's in Best
6 Buddies or the non-developmentally disabled students
7 who are participating in Best Buddies?

8 A Both.

9 Q And how is that employability documented?

10 A The sponsor has to sign off that they did participate
11 and gain employability skills. And that's at the
12 discretion of the sponsor.

13 Q And the sponsor is a faculty person?

14 A Yes.

15 Q And both -- so both the disabled and non-disabled
16 student is getting employability documentation by the
17 sponsor?

18 A Yes.

19 Q And --

20 A I'm sorry. You had asked a question. I'm not sure
21 that I answered it directly.

22 Q Okay.

23 A I forget what your original question was, but --

24 Q We're okay.

25 A Okay. It does also relate to the curriculum in other

1 ways as well.

2 Q How is that?

3 A So we have special skills cadet teachers. And their
4 role is to provide the disabled student -- they're to
5 role model behaviors that would be appropriate. And
6 those are English language art skills, the speaking
7 and listening skills, as well as vocabulary skills.
8 It would be vocabulary that they may sometimes not
9 hear in a secluded classroom.

10 Q And what is that related to?

11 A The cadet teachers is a program that we have. Cadet
12 teachers is similar to -- well, not similar to. It's
13 the same, but we have a cadet teacher that may go
14 into a regular elementary classroom, and we have
15 cadet teachers that go into our central skills
16 classroom, which pertains to a lot of our students
17 that are in Best Buddies.

18 We also have cadets that are unable to fill the
19 cadet teacher role because they have a hefty academic
20 schedule, so there's just not room in their schedule
21 to do cadet teaching during the day. So then that
22 provides them the opportunity to mentor the special
23 ed students during the Best Buddies time, during the
24 group meeting.

25 We also have -- with the Best Buddies and talking

1 about the employability skills, the planning, the
2 events that they have, we have a Thanksgiving, or a
3 Friendsgiving, where Best Buddies -- the special
4 needs student and regular ed student meet, and the
5 regular ed student helps them with cooking skills,
6 which would relate to our family and consumer science
7 programs that we have.

8 Q And are all the students who are non-developmentally
9 disabled in Best Buddies, are they all cadet
10 teachers?

11 A No.

12 Q And it's not required they be so to be in Best
13 Buddies; is that correct?

14 A Correct.

15 Q And how frequently does Best Buddies meet with each
16 other?

17 A That's a good question. We just came off of a year
18 where most --

19 Q Sure.

20 A -- groups did not meet. I know that they have five
21 dominant activities that they perform, and I could
22 not tell you the number of times that they meet to
23 make that event run smoothly.

24 Q And are Best Buddies paired one-on-one?

25 A Yes, they like to be paired one-on-one. I can't say

1 that they are always paired one-on-one if there's a
2 shortage on one end or the other.

3 Q And you said that they get -- their sponsor can, if
4 they do okay, can deem that to have met some of the
5 employability skills requirement?

6 A Yes.

7 Q And what is that requirement for a
8 non-developmentally disabled person? What would they
9 have to do in order to graduate?

10 A On the employability skills?

11 Q Yes.

12 A They could do a variety of different things. The
13 kids can earn their employability skills by actually
14 having a job. So a boss at any workplace can sign
15 off on that.

16 Our athletes receive credit for the employability
17 skills if they play a sport. So that's in regards to
18 time management, collaboration, teamwork are some of
19 the employability skills listed there.

20 And then the employability skills are signed off
21 on by our sponsors for multiple clubs that we have.

22 Q And is there an hour requirement for that? Or how do
23 you meet that at the time of graduation? How do you
24 know you've satisfied your employability skill
25 requirement?

1 A There is not a grade on that. It's more of whether
2 or not you've been involved in an activity that would
3 require the employability skills, such as time
4 management, leadership, organization. There's a list
5 of them that I could probably find, if you would like
6 for me to list all of those, if I'm allowed to look
7 at digital notes.

8 MR. FALK: Sure. Go off the record for a second.

9 (A discussion was held off the record.)

10 A Okay. So 9 through 12's employability skills is
11 Mind-Set, Work Ethic. These are -- they're broken
12 down. Each one is broken down. I'm listing the main
13 ones. Learning Strategies, Social and Emotional
14 Skills.

15 So then under those, under Mind-Set is lifelong
16 learning, self-confidence.

17 Under Work Ethic is self-discipline,
18 independence, perseverance, time management and
19 organization, adaptability, integrity, and
20 professionalism.

21 And then under Learning Strategies is effective
22 communication, aptitude awareness, decision-making
23 initiative, attention to detail, and problem-solving.

24 Q And then in order to graduate I have to have
25 something from a sponsor saying I've met all of this,

1 some of it, ten hours of it? How does that work?

2 A It's not clearly defined. It just says that you have
3 to have someone sign off that you have shown
4 employability skills.

5 Q Okay. And --

6 A And this provides opportunities for students that may
7 not for some reason be able to go out into the
8 workforce.

9 Obviously, it provides opportunities for those
10 that do not have athletic ability and get cut from a
11 sports team.

12 So I think that's our goal there, is to provide
13 them every opportunity they can to graduate high
14 school. And the State of Indiana says that you have
15 to show employability skills, and we know not all
16 students can be a student athlete.

17 Q Now, it's quite possible that all of those skills
18 that you just mentioned could be shown in a
19 nonCorporation-sponsored club or activity, correct?

20 A Correct.

21 Q Do you accept things from sponsors in the
22 nonCorporation clubs saying that students have met
23 these requirements? Do you accept whatever -- the
24 same thing you would accept in a Corporation-
25 sponsored club?

1 A Yes. The ones that we have accepted would be the
2 jobs that I mentioned. Those that have employment
3 outside of the school would be a
4 nonCorporation-sponsored acceptance of the
5 employability skills.

6 Q But you could have a club -- I assume Fellowship of
7 Christian Athletes meets at the school, but it's not
8 Corporation-sponsored; is that correct?

9 A Say that again.

10 Q Fellowship of Christian Athletes is a club that meets
11 at the school; is that correct?

12 A Correct.

13 Q Is it Corporation-sponsored?

14 A No.

15 Q So if I was a leader in that club and I showed the
16 mind-set, work ethic, learning strategies, social and
17 emotional skills, would you, in your official
18 capacity as principal, accept something from the
19 sponsor of that club saying Ken Falk is a real
20 go-getter; he's met all these employability
21 requirements?

22 A I would take that into consideration. We have not
23 yet had one ask for FCA.

24 Q Okay.

25 A And so we have a list, and it's not all-inclusive.

1 There are times when a counselor will come to me and
2 explain an involvement that a student has and how it
3 does meet the employability skills, and then, yes, I
4 have the ability to take that into consideration.

5 Q Okay. Even though it's not Corporation-sponsored?

6 A Correct.

7 Q Okay. Now, I note Book Club is listed here in
8 Exhibit 5.

9 A Okay.

10 Q And I skipped over ones that seem to be clearly
11 related to ongoing classes.

12 A Okay.

13 Q Do you have Exhibit 5?

14 A Yes.

15 Q And Book Club is listed. It's a book discussion
16 group. Do you get academic credit for that?

17 A No.

18 Q And how is it meeting the requirements to be
19 curriculum-related?

20 A Just continuing and expanding their knowledge of
21 literacy.

22 Q Okay. And while we're on the literary vent, the Muse
23 is your literary magazine?

24 A Correct.

25 Q Again, do students get credit for participating in

1 the Muse?

2 A No.

3 Q And how is that curriculum-related?

4 A So our Muse consists of journalism, as well as we
5 have students that submit artistic work for the Muse.
6 And so they have publications in there of their
7 artwork, as well as their literary poems or other
8 types of literary writings.

9 Q But this is stuff they're doing from their own
10 creativity, not as a result of courses; is that
11 correct?

12 A There are things in the Muse that have been created
13 in the art class and/or the English class. If
14 there's a poem written, they are able to submit it to
15 the Muse --

16 Q But there are --

17 A -- for publication.

18 Q -- also people who just do their writing at home on
19 the weekend, and they submit it, and it gets
20 accepted; is that correct?

21 A Yes.

22 Q So for those people who are not doing it for a
23 course, how is it curriculum-related?

24 A You said for those people that are not doing it for a
25 course, how is it curricular-related?

1 Q Right.

2 A We -- I mean, the goal of high school is to hope that
3 these kids will continue in the courses and expand
4 their knowledge of it or expand their practice of it.

5 Q Okay.

6 A And I think we probably all can agree the overall
7 goal of high school is to have kids go out and take
8 what they've learned in a class and apply it to jobs
9 or skills. So it gives them opportunities to
10 continue practicing their writing or their
11 publications or their artwork.

12 Q Okay. The National Beta Club is a service leadership
13 club for persons who have high academic standing; is
14 that correct?

15 A Correct.

16 Q And, again, they do not get credit for that; is that
17 correct?

18 A Correct.

19 Q And is this, again, something that is -- well, strike
20 that.

21 How is that related to -- how's that curriculum-
22 related?

23 A So the Beta Club is promoting academic excellence,
24 and so students have to excel. So I think this is
25 one of those ones that's an incentive for kids to

1 excel in the curricular and gain knowledge at a level
2 that we want them to.

3 Q Okay. This is something -- like the literary club,
4 the Muse is designed to promote learning; is that
5 correct?

6 A Correct.

7 Q And is that the same with the National Honor Society?
8 Is there academic credit associated with the National
9 Honor Society?

10 A Academic credit, no.

11 Q And is that curriculum-related because it's designed
12 to reward as an incentive for people to do well in
13 school?

14 A Correct.

15 Q And that's how it's academic-related; is that
16 correct?

17 A Correct. And -- yes, it promotes one to have
18 excellence in the academics.

19 Q Okay. How about the Outdoor Adventure Club? Do you
20 get credit for being in the Outdoor Adventure Club?

21 A You do not gain a credit for the Outdoor Adventure
22 Club. The Outdoor Adventure Club is related to our
23 physical education. And so the overall goal of our
24 PE is to be able to move with competency and
25 confidence in a wide variety of physical activities

1 in multiple environments.

2 And so the Outdoor Adventure Club provides
3 camping, horseback riding, canoeing, rock climbing,
4 hiking, spelunking, and skiing, which would be
5 environments that the school can't offer. We don't
6 have a mountain to go ski down. We don't have a
7 river to go canoeing down. We don't have access to
8 horses at our place.

9 So these are activities that we feel that people
10 would be more likely to do after high school. And we
11 want them to feel comfortable in those environments
12 so that they can continue their physical activity and
13 be a lifelong learner of PE.

14 Q Student Council, do you get academic credit for
15 Student Council?

16 A You do not.

17 Q And how is that curriculum-related?

18 A So the Student Council gives the students an
19 opportunity to practice what they learn in
20 government. And so they get to role-play, providing
21 things for their community of Pendleton Heights High
22 School by listening to what the people have to say,
23 and then trying -- they also get to run for that
24 position, which would be what they learn in
25 government of how to get to an elected official's

1 position. So it gives them an opportunity to
2 practice what they have learned in government class,
3 as well as role-play what that might look like if
4 they were really running for election in life after
5 high school.

6 Q And those same things could occur in a noncurriculum-
7 related club that had an organizational structure of
8 president, vice president, correct, of people
9 running; is that correct?

10 A Yes.

11 Q And in a noncurriculum-related club you could also be
12 having a goal of providing for the school community
13 and trying to better the school community; is that
14 correct?

15 A Correct.

16 Q And SADD, S-A-D-D, Students Against Destructive
17 Decisions?

18 A Uh-huh.

19 Q No academic credit, correct?

20 A Correct.

21 Q And how is that curriculum-related?

22 A So SADD is Students Against Destructive Decisions,
23 and so it strongly relates to our health curriculum,
24 our interpersonal relations, and human development
25 and wellness.

1 Q I know you're reading from notes. Are those notes
2 you've made yourself?

3 A Yes, sir.

4 Q Okay. And I interrupted you.

5 A I've had a lot of sleepless nights the last couple
6 days. They are certainly notes I've written myself.

7 Q I interrupted you.

8 A It's okay.

9 Q You said SADD was related to --

10 A Health, our health curriculum. So SADD deals with
11 risky behaviors. So in our health classes we talk
12 about addictions, talk about texting while driving,
13 drugs, relationships with peers through online
14 activity.

15 And the same thing in IPR and human development
16 and wellness.

17 Q And what's IPR?

18 A IPR is interpersonal relations. Did I say that
19 right?

20 Q And those are all subjects that could be dealt with
21 in a non-curricular club as well, correct? Avoiding
22 risky behavior, how to get along with persons without
23 using substances, how to have a healthy lifestyle,
24 that all could be done in a non-curricular club; is
25 that correct?

1 A Yes. And then with our organized clubs, they take --
2 you know, they read the text of health, and they turn
3 that into some type of announcement to try to
4 persuade kids not to do that. So they're also taking
5 the content that they learn in this curriculum and
6 then reading the text and converting that into a
7 message that could persuade an audience. So their
8 literacy skills are actively working as well.

9 Q And health is a required course?

10 A Correct.

11 Q When do you take it?

12 A Typically their freshman year.

13 Q But not necessarily?

14 A No. They could take it any year 9 through 12. Most
15 students take it their freshman and sophomore year.

16 Q And there's not a requirement, to be in SADD, to have
17 taken health; is that correct?

18 A Correct.

19 Q Now I'm showing you what's been marked as Exhibit 6,
20 which is an e-mail that your attorney sent me. And I
21 covered up the "Libby" with the exhibit stamp. It
22 doesn't seem to be necessary.

23 And my understanding is that this is just a list
24 of some groups that have actually met at the high
25 school this current school year. Is that your

1 understanding?

2 A Yes, the '20-'21 school year.

3 Q And I just want to run through these real quickly.

4 There are parenthetical names next to each one. Are
5 those the adults who were responsible for these
6 particular groups?

7 A Yes.

8 Q And what's Adventure Camp?

9 A Adventure Camp is Pendleton Christian Church. They
10 run a camp in the summer.

11 Q Okay.

12 A And they camp out not far from the school, so they
13 use our facilities for their last evening, and they
14 shower and have a banquet --

15 Q Okay.

16 A -- and use our cafeteria facilities.

17 Q Not school-related at all?

18 A Correct.

19 Q Choir Boosters?

20 A The Choir Boosters are a group of parents that
21 support our choir program.

22 Q Again, not student-related?

23 A Correct.

24 Q Or student participants.

25 Best Buddies we've talked about, correct?

1 A Correct.

2 Q Marching Band Meals, I assume, are parents and others
3 who provide meals for the marching band?

4 A Yes.

5 Q Outfitter, what is that?

6 A Outfitters is a business partnership that provides
7 backpacks and clothes for the South Madison
8 community.

9 Q And they use your physical space?

10 A Yes.

11 Q Are students involved?

12 A Students can go work there, but it is not a
13 student-led organization. It's a business
14 partnership that South Madison has, and they provide
15 items for kids that cannot provide for themselves.

16 Q Okay. Band is the band; is that correct?

17 A Correct.

18 Q Do you get academic credit for Band?

19 A Yes.

20 Q Post Prom is an organized post-prom activity at the
21 high school?

22 A Yes. It's -- the Post Prom group is parents that
23 provide post-prom. So they organize and plan and
24 fundraise for the post-prom.

25 Q Okay.

1 A And --

2 Q I'm sorry.

3 A Go ahead.

4 Q Beta?

5 A Beta is a student -- or a Corporation-sponsored club.

6 Q And what is Beta?

7 A Beta is -- we talked about that and its similarity to
8 National Honor Society. It promotes academic
9 excellence.

10 Q Got it. And the Pendleton Junior Football League, I
11 assume, is a junior football league on Pendleton
12 property; is that correct?

13 A Correct.

14 Q Scuba Educators International?

15 A Is a nonCorporation-sponsored group that uses our
16 pool to teach scuba diving and the skills of scuba
17 diving.

18 Q And is that a student club, or are there adults -- I
19 hope -- involved with that?

20 A There are adults. I do believe some of our students
21 participate in it. And I have not attended a scuba
22 educational setting.

23 Q FFA is Future Farmers of America, which is discussed
24 in the manual?

25 A Correct.

1 Q Boyd Family, was that a family reunion?

2 A That is our head custodian.

3 Q Okay.

4 A He brings his church there --

5 Q Okay.

6 A -- and so they utilize our facilities on Sundays.

7 Q Okay.

8 A It could be and include a family reunion, but I think
9 it's mostly church-related activities.

10 Q The Pendleton Legends are --

11 A It's an amateur basketball league.

12 Q Okay. And they rent the space, the gym?

13 A Yes.

14 Q FCA is Fellowship Christian Athletes; is that
15 correct?

16 A Correct.

17 Q That's a noncurricular-related club meeting with
18 students at the high school, correct?

19 A Uh-huh.

20 Q Rugby is a --

21 A Non-sponsored Pendleton area team.

22 Q Okay. That may include students, may not?

23 A Correct.

24 Q But they participate -- they use athletic fields?

25 A Yes.

1 Q Okay. The Election Board, is that the -- is this a
2 voting site?

3 A It was not a voting site. They used our site -- I'm
4 not sure why they were using it, but they asked to
5 use it. I think it was an informative meeting --

6 Q Okay.

7 A -- to its constituents.

8 Q The Ingalls Police Department met here for some
9 reason?

10 A Yes. They do use our facilities to train.

11 Q Okay. Same with the Pendleton -- I assume "PD" means
12 police department?

13 A Yes, sir.

14 Q The Cheer Fusion Elite?

15 A That is a local non-sponsored group that uses our
16 facilities.

17 Q Adults?

18 A No. I mean, there are adults who run it. It's a
19 business. It's a dance and cheer business that uses
20 our facilities, and it may include some of our
21 students.

22 Q Okay. But it's not a student club?

23 A No.

24 Q The Markleville Alumni, I assume, is not a student
25 club; is that correct?

1 A No.

2 Q Boys Basketball, is that your boys basketball club?

3 A Correct.

4 Q And Pro-Train?

5 A Pro-Train is similar to the Pendleton PD. That was
6 the name of the organization training the Pendleton
7 PD, so it was filled out by Officer Quiroga.

8 Q Okay. And in the declaration that Reece Axel-Adams
9 filed in this case, they indicated that they heard an
10 announcement for the Outdoor Adventure Club in
11 October. And that's consistent with the fact that
12 the Outdoor Adventure Club is a curricular club; is
13 that correct?

14 A Correct.

15 Q And so they are free to announce?

16 A Correct.

17 Q Okay. I'm showing you what's been marked as
18 Exhibit 7. And these are minutes that I downloaded
19 of the Board of School Trustees' Meeting on
20 October 16, 2021. At least that's what it says at
21 the top.

22 And looking at paragraph 5.3 on the second page,
23 it looks like the Board approved three new
24 curricular-related activities at the high school for
25 this year.

1 A Correct.

2 Q Robotics, e-Sports, and Bring Change to Mind,
3 correct?

4 A Correct.

5 Q And as curricular-related, they're entitled to
6 advertise and fundraise and have all the other
7 benefits that curricular-related clubs have, correct?

8 A Correct.

9 Q And what is Robotics?

10 A Robotics is a club where a group of students would
11 build a robot and expand their knowledge of our
12 engineering classes and our computer science classes.

13 Q Okay.

14 A And, typically, the Robotic team then builds a robot.
15 And by -- depending on how well they input commands
16 for the robot to function, then they go and compete
17 in tournaments locally and can expand nationally and
18 internationally.

19 Q And you do not get academic credit for this; is that
20 correct?

21 A Correct.

22 Q And there's no specific course that you have to take
23 in order to be in Robotics, correct?

24 A Correct.

25 Q And what is e-Sports?

1 A E-Sports is the e-Gaming. And so e-Sports also
2 relates to our computer science and robotics. So we
3 just started our computer science program, and so we
4 have intro to computer science and hope to expand
5 that to computer science 1 and 2 and robotics and
6 cyber security.

7 E-Sports, I've learned through this proposal
8 process and speaking with the sponsor that there's
9 actually multiple lucrative jobs besides just
10 e-Gaming -- like us that -- who might think of
11 e-Sports as just, you know, eating potato chips and
12 sitting on the couch and e-Gaming.

13 But within e-Gaming -- it's really probably one
14 of our most cross-curricular clubs that we have.
15 Students involved in e-Gaming -- there's a standard
16 in the e-Sports agenda that he does that talks about
17 the jobs within e-Gaming. And so within e-Gaming
18 there's broadcasters. They're called "shoutcasters,"
19 I've learned.

20 And then to run a whole e-tournament you have the
21 shoutcasters. You have journalism, content creators,
22 marketing, sports management, or managing the
23 program. And that is part of the club. It's not
24 just coming together to play games.

25 There's also scholarships related to e-Sports,

1 just like there would be for athletes, that provides
2 them opportunity beyond high school for the colleges.

3 Q Okay. But you don't have to have any particular
4 courses to be in e-Sports, correct?

5 A No.

6 Q And you don't get academic credit for e-Sports?

7 A No. We don't get academic credit, no.

8 Q Thank you. It's always good to correct the attorney
9 who uses a double negative.

10 A That's okay. So, again, I feel like I've not listed
11 all of the curriculum that it's related to, but it is
12 certainly directly related to health. So, for
13 example, in the e-Sports Club they talk about the
14 healthy balance of not staying up too late in
15 e-Gaming or the eye damage that can happen from
16 screen time and direct their club members to live in
17 a healthy balance of life.

18 There's digital citizenship, which is also not a
19 particular class but something that is taught at the
20 South Madison School Corporation, that encourages
21 those kids to show sportsmanship and appropriate
22 conversations when they're chatting in the chat boxes
23 while playing the game.

24 We have a class called "Colleges and Careers."
25 Again, that kind of links back to our employability

1 skills that we've talked about and the computer
2 science.

3 Q Okay.

4 A I also learned during this that the periscope in the
5 Navy they've now replaced with an Xbox controller for
6 the hand-eye coordination of it.

7 So e-Sports really is interacting with the jobs
8 that we will go out and have later in life, though it
9 does seem like it might just be a place of enjoyment.

10 Q For some, I'm sure it is.

11 A I'm sure. And I'm sure some kids join it for
12 enjoyment. But then our hope is for them to also get
13 excited about the computer science curriculum.

14 Q Sure. How about Bring Change to Mind? What is that?

15 A So Bring Change to Mind allows our students to have a
16 voice and a platform to advocate for mental health
17 and destigmatize mental health.

18 That's directly related to our health curriculum.
19 The literacy as well because they, again, are trying
20 to persuade an audience that it's okay to have mental
21 health issues. So they take what they read about
22 mental health and turn that into posters, flyers.
23 Our current student leader is making a public service
24 announcement where she has recorded multiple
25 interviews from staff and students from last year and

1 hopes to present that to our student body to
2 destigmatize mental health.

3 Q Okay. No course credit, correct?

4 A Correct.

5 Q And no requirement that you be in any particular
6 course to be in Bring Change to Mind, correct?

7 A Correct.

8 Q And in the Axel-Adams declaration they indicated that
9 in the past they'd heard that the Fellowship of
10 Christian Athletes have been allowed to post
11 information about meetings and be part of daily
12 announcements.

13 Did that happen in the past with either
14 Fellowship of Christian Athletes or other groups
15 which are deemed to be non-curricular?

16 A No.

17 Q That never happened, to the best of your knowledge?

18 A No, we have not had Fellowship of Christian Athletes
19 use our announcements.

20 Q Okay.

21 A Looking back at e-mails preparing for this, there are
22 e-mails that show that I did tell Fellowship of
23 Christian Athletes no as well, for the same reasons I
24 told GSA no.

25 Q Okay. Are you aware of any, in the past, any

1 non-curricular groups, activities, et cetera, being
2 allowed to advertise, to fundraise, or to in any way
3 publicize themselves in the way a curricular group
4 could?

5 A We had WEEM back in 2018, the first origination of
6 e-Sports. WEEM used e-Sports as a fundraiser. So it
7 was advertised, but it was advertised as a fundraiser
8 for WEEM, which is a curricular club that we already
9 did have approved at that time.

10 Q Okay. Now I'm showing you what's been marked as
11 Exhibit 8. And this is the request allowing the GSA
12 to meet with a faculty sponsor; is that correct?

13 A Correct.

14 Q And you approved that; is that correct?

15 A Correct.

16 Q And whose signature is that?

17 A At the bottom of it is -- very bottom is mine.

18 Q Right.

19 A And then above that is Mrs. Akers'.

20 Q Okay. Mrs. Akers is the sponsor or the faculty
21 person?

22 A Yes. So she serves as the custodial capacity.

23 Q Okay. And you approved this, correct?

24 A Correct.

25 Q And we discussed that's your authority to approve?

1 A Correct.

2 Q GSA is a noncurriculum-related club or activity,
3 correct?

4 A It's a nonCorporation-sponsored activity, yes.

5 Q So it cannot be in the Handbook. It cannot advertise
6 on school property. It cannot fundraise, correct?

7 A Correct.

8 Q And I'm showing you what's been marked as Exhibit 9.
9 And there is no Exhibit 10, so this is our last
10 exhibit. We'll go from Exhibit 9 to 11, I guess.

11 And this is just an e-mail trail that your
12 attorney provided. And it starts off with an e-mail
13 from Bryce Axel-Adams -- that's also Reece; is that
14 correct?

15 A Correct.

16 Q -- to you talking about repairing the relationship
17 with the LGBTQ community. Do you see that?

18 A Yes.

19 Q And I assume that's referring to a controversy that
20 occurred or publicity occurring at the end of last
21 school year, which certain teachers had to remove
22 LGBTQ or pride flags from their classrooms.

23 Is that your understanding of what the context
24 was?

25 A It was twofold.

1 Q Okay.

2 A I believe it was because of the flag. And it was
3 also -- I believe it to be we were working through
4 how to provide accommodations for our transgender
5 community. So I believe it's in relation to both of
6 those.

7 Q Okay. And the exhibit indicates that Axel-Adams
8 asked about promoting the GSA.

9 And your response was you need to take a neutral
10 position, in the same way you would with Pendleton
11 Rugby, not allowing them access to advertising; is
12 that correct?

13 A Correct.

14 Q And around that time I believe you had a conversation
15 with a parent and told him that the school had to be
16 neutral. And if you made GSA an official club, you
17 would have to open it up to other viewpoints, or
18 something along those lines; is that accurate?

19 A I don't recall which -- I don't know which parent
20 that you're referring to.

21 To me, when I use the term "neutral," it was
22 stating that I don't get to pick and choose which
23 outside organizations get to be on our announcements.
24 So if I pick one, I would have to pick all. So I
25 choose not to pick any and remain neutral.

1 Q Okay. That's fair. And the reference I made to
2 official versus nonofficial, that's shorthand for --

3 A Corporation-sponsored versus nonCorporation-
4 sponsored.

5 Q And it's your testimony that you -- to the best of
6 your knowledge, there's never been a situation where
7 an unofficial club has been allowed to advertise?

8 A Correct.

9 Q Okay. And then at the bottom of the first page of
10 Exhibit 9 there's an e-mail to you from Mark Hall.
11 And Dr. Hall is the superintendent of the
12 Corporation; is that correct?

13 A Correct.

14 Q And then at the bottom of page 2 of Exhibit 9, again,
15 e-mail from Bryce Axel-Adams, or Reece, saying, "We
16 have seen throughout the years advertisements for the
17 Outdoor Adventure Club, the Tux Shop in town,
18 Outfitters, and even this year Bring Change to Mind,
19 and other clubs."

20 Now, the Outdoor Adventure Club legitimately
21 advertises because the School Corporation deems that
22 to be an official, i.e. Corporation-sponsored club,
23 correct?

24 A Uh-huh.

25 Q Same with Bring Change to Mind, correct?

1 A Uh-huh.

2 Q The Tux Shop, commercial advertising, is that
3 allowed?

4 A Yes. We have business partners, so we partner with
5 them to advertise because students can get a discount
6 on their tuxes for prom.

7 Q Okay.

8 A And some can also be awarded a free tux as well.

9 Q Okay. And I saw that there's an advertisement for
10 Kroger's, for instance. Is that so that people can
11 get jobs?

12 A I don't know that we've had Kroger advertise on our
13 Pendleton Heights announcement.

14 Q Okay.

15 A I mean, I'm not --

16 Q Bulletin board maybe?

17 A Possibility, yes.

18 Q And that would be okay because that's a place where a
19 student can get a job? Is that appropriate?

20 A I'm trying to really think if we have had jobs posted
21 on our Pendleton Heights announcements. I do believe
22 in the guidance counselor's department they have a
23 job posting.

24 Q Okay.

25 A I'm not sure that I have seen those around the school

1 or not. I can't speak to that.

2 Q Okay. And Outfitters?

3 A Outfitters is the business partnership that provides
4 backpacks and clothes.

5 Q Okay.

6 A So we do have announcements for our business
7 partnerships.

8 Q Okay. And then it looks like on September 8, at
9 10:02 a.m., Ms. Akers asked for the ability to make
10 an announcement about the GSA. And you said, "This
11 is not a PHHS ECA. Announcements are reserved for
12 PHHS ECA's." Is that correct?

13 A Correct.

14 Q And ECA is --

15 A The Corporation-sponsored activities, organizations,
16 clubs.

17 Q Official club, correct?

18 A Correct.

19 Q And it looks like included in there was just a
20 poster. Is this poster that says "Pendleton Heights
21 GSA, A safe place for everyone," is that a poster
22 that Ms. Akers asked permission to post?

23 A It was something that Reece asked to post.

24 Q And he was not allowed to do so because it's not an
25 official club; is that correct?

1 A He was told that he could not because of those
2 reasons, but then he did post it.

3 Q And you talked to him about that; is that correct?

4 A Yes.

5 Q Or he received information that should not occur
6 again; is that correct?

7 A Correct.

8 Q And then in your e-mail on September 8 at 11 a.m., at
9 the bottom of the second to last page, you say, "GSA
10 has been around here since I started 14 years ago"?

11 A Correct.

12 Q "But the student leaders let it dwindle out or it
13 just dwindles out"?

14 A Correct. It has not been very fruitful.

15 Q Has it ever been allowed to advertise, that you know
16 of?

17 A No.

18 Q It has not been, to the best of your knowledge,
19 allowed to advertise?

20 A No. GSA has not been allowed to use our Pendleton
21 Heights announcements in the same way that Rugby has
22 not been allowed to use them or other
23 nonCorporation-sponsored clubs.

24 Q Okay. Are you aware of any other communications
25 between the school and anyone concerning -- e-mails

1 concerning the GSA?

2 A Just any other e-mails concerning GSA?

3 Q Yes.

4 A Between me and another person?

5 Q Yes.

6 A So I have communicated with Shelby Akers about the
7 GSA and -- this year.

8 And Reece, I've communicated about the GSA. You
9 can see in there that I asked questions to my
10 superintendent in regards to a question that Reece
11 had.

12 MS. ROBERTS: Ken, just to clarify, are you
13 asking beyond the school year?

14 MR. FALK: Well, right now I'm talking about the
15 school year.

16 A This school year I have had -- I don't believe it was
17 e-mail communications, but I spoke with Tai Wills's
18 family. For some reason, they were under the
19 impression that they could not meet at the school.
20 And so I met with them to let them know that the GSA
21 could meet at the school.

22 In those conversations I offered to -- if they
23 wanted -- I encouraged them to use social media to
24 advertise. I encouraged them to use the public
25 library bulletin board. I also told them I would pay

1 for an advertisement in the newspaper if they wanted
2 to announce their meetings. I encouraged them, if
3 they could find out how much a banner would be to go
4 across State -- or not State Street -- the main drag
5 of Pendleton, that I would be willing to be a private
6 donor for that.

7 You know, I wanted to show them that I do care
8 about them and that I don't want the negative
9 relationship.

10 Q Sure. I appreciate that.

11 You would agree that, especially for adolescents,
12 that there's frequently mental health and societal
13 problems associated with being LGBTQ; is that
14 correct?

15 A Yes, that is what the statistics would show.

16 Q And that groups like a GSA are very useful for
17 students' mental health; is that correct?

18 A They could be.

19 Q And they're also useful, even for students who are
20 not LGBTQ, to sort of normalize them, normalize
21 people who are transgender, along with people who are
22 LGBTQ; is that fair?

23 A That's fair.

24 Q And you would agree that being comfortable in your
25 own skin, which is difficult for teenagers under the

1 best of circumstances, is an extremely useful skill
2 just for future mental health, as well as
3 employability, as well as getting along with the
4 world; is that fair?

5 A Yes.

6 MR. FALK: Could we go off the record?

7 MS. ROBERTS: Okay.

8 (A recess was taken.)

9 Q Is there anything that would prevent you from
10 proposing that the GSA be an official club, be a
11 curriculum-related club?

12 A So I could see how GSA would be curricular-related,
13 as we talked about, students having acceptance, being
14 more comfortable in their skin, reducing the
15 barriers.

16 To be honest, with the GSA, they have struggled
17 to provide leadership from year to year, so that's
18 one thing that would concern me about proposing that
19 to my School Board and then it not being fruitful.

20 And as I said in the e-mail to Shelby Akers that
21 you had seen, that there have been times over the
22 years where they have been nonexistent, and that does
23 worry me. You know, I like for things that I
24 propose, to know that there might be some success
25 with those groups.

1 Q Is there any other reason not to propose them as an
2 official club?

3 A No.

4 Q And there have been clubs that have been recognized
5 as official in the past, like Mat Maids, which have
6 ceased to exist; is that correct?

7 A Mat Maids, I can't really speak to that because it
8 wasn't here when I got here in 2008-2009.

9 But, yes, there have been clubs that existed,
10 that don't exist for multiple different reasons.
11 Sometimes that's budget cuts and funding, because we
12 pay a stipend to the sponsors. So I have to be
13 selective when I choose groups.

14 So, for example, over my time as principal I've
15 had someone want to have a dance club, which could
16 also be related to the PE curriculum or the fine
17 arts. I've had a kid just this year that wanted to
18 do a men's volleyball club. That could be related to
19 athletics that we already have or the physical
20 education curriculum.

21 So I do have to consider my goals as a principal
22 and what I want to promote. And so sometimes being
23 cross-curricular helps. Like, the e-Sports is --
24 provides kids with a lot of lucrative jobs beyond
25 high school.

1 So what I'm trying to say is there could be many
2 clubs that people bring to me that I could propose to
3 the Board. So I have to analyze which ones I want to
4 take that I think can be fruitful and meet the needs
5 of the students at Pendleton Heights High School.

6 Q Is there a concern that if you propose the GSA as an
7 official club, that there might be some sort of
8 counter-club that you'd have to recognize because of
9 your concern about neutrality?

10 A No.

11 Q So what is the impediment today to requesting that
12 the GSA be a -- become an official club?

13 A What would they have to do to become an official
14 club?

15 Q Sure.

16 A They would need to write a proposal and show that
17 they can have sustainability. And then we'd have to
18 analyze how that fits into our curriculum. And then,
19 ultimately, the School Board gets to decide those
20 that are proposed.

21 Q But, as of today, you're unwilling to commit
22 to allowing -- to proposing them because of your
23 concern about the past history and the sporadic
24 nature of the club; is that correct?

25 A Correct.

1 Q And what would they have to do to overcome that, in
2 your estimation?

3 A I would like to see more curricular connections with
4 it, not just coming up in times of controversy, so
5 that I know that kids are gaining something related
6 to the academics out of it.

7 Q And the controversy you referred to is the
8 controversy over the teachers not allowed to post --
9 I think there were flags or LGBTQ-supporting
10 information in the classroom; is that correct?

11 A Right. I would just like to see them sustain for
12 support for each other versus just coming and going,
13 electing leaders that elect new officers at the end
14 of the year and then they carry it over into the next
15 year. And they've not been able to sustain
16 themselves.

17 Q But you agree that if they could advertise in the
18 school and spread the word around about their
19 existence as an official club, that would help
20 attract students; is that fair?

21 A No.

22 Q Why?

23 A We have other groups that are nonCorporation-
24 sponsored, that don't advertise in school and have
25 sustained their existence as well as their

1 membership. Because of today's world we have social
2 media. We have multiple other ways to advertise.

3 Q You don't think being able to advertise and being
4 able to be known as an official club, being in the
5 Student Handbook, would be beneficial to any club, in
6 terms of its support?

7 A I'm not saying whether it would or would not be
8 beneficial to it. I can tell you that there are
9 clubs that do not get advertised that have a large
10 membership base.

11 Q Sure.

12 A So it could help them, it could not help them. But I
13 guess to say that that is a factor that has been
14 detrimental to them I do not believe is the case
15 because we have clubs in our community that don't get
16 to advertise that have a large membership.

17 Q But the LGBTQ students might feel very marginalized.
18 Not just in this high school but in any high school;
19 is that fair?

20 A I can't speak to how they feel.

21 Q Okay. Is there a school newspaper?

22 A The Muse is a publication. And we used to have
23 HoofPrints, but it does not exist anymore.

24 Q And does the Muse have advertisements in it?

25 A No.

1 Q Okay. And does the school have an official -- any
2 official social media accounts that official clubs
3 have access to for purposes of advertising or
4 announcements?

5 A Yes.

6 Q What does the school have?

7 A So WEEM promotes a lot of our activities.

8 Q WEEM is the radio station?

9 A Radio station. And I can't say whether they have or
10 have not promoted our Pendleton Heights
11 Corporation-sponsored clubs, but they could. I mean,
12 if there was -- they could retweet something from one
13 of those groups and probably, I would guess, probably
14 have, but I don't know that for sure.

15 Q Okay. And at the beginning of the deposition you
16 talked about the composite course of study, which is
17 equivalent to the Core 40; is that fair? Or is that
18 different than the Core 40?

19 A I assume the composite course of study means how high
20 school students earn a diploma, which is an Indiana
21 diploma requirement.

22 Q Okay.

23 A And so that's our 40 credits, the employability
24 skills, and the post-secondary competencies.

25 Q And the 40 credits, are they -- it's been a while

1 since my kids graduated high school. Are the 40
2 credits in particular courses or any courses?

3 A No particular courses. So you have to get eight
4 English language arts credits. I don't know all of
5 them by heart.

6 Q That's fair.

7 A But each category is broken down into course
8 subjects, Science, Math, Social Studies, and English.
9 And then you have elective credits that you have to
10 earn and others.

11 Q But there's some electives you may take that may not
12 go to your composite course of study; is that right?

13 A Correct. We have students that graduate with 50-plus
14 credits, so they do not need all of the credits they
15 take to earn a high school diploma.

16 MR. FALK: Okay. I have nothing further. Thank
17 you very much.

18 THE WITNESS: Thank you.

19 MS. ROBERTS: I have just a couple of questions.

20 EXAMINATION,

21 QUESTIONS BY MS. ROBERTS:

22 Q It's been a while ago in your deposition when we went
23 through the list of clubs that are shown in
24 Exhibit 5, I believe.

25 A Yes.

1 Q I want to -- there were a couple they went through
2 very quickly, but I want to make sure that we've got
3 everything we need here from your testimony.

4 You talked about Beta and the National Honor
5 Society?

6 A Uh-huh.

7 Q And I recall that you said those relate generally to
8 scholarship and promoting good scholarship. Do those
9 clubs have other curricular connections?

10 A Yes. Within the second bucket of the Indiana diploma
11 there's employability skills, and those are broken
12 down into three sections. And one of those sections
13 are service-based learning. And so for service-based
14 learning, National Honor Society and Beta provides
15 the kids opportunities to do service-based for our
16 community.

17 Q When you say this is in bucket 2, is that bucket
18 something that all students are required to fill or
19 have checked off in order to graduate?

20 A Yes.

21 Q What sort of service-based learning does Beta or
22 National Honor Society do?

23 A They do a variety. National Beta Club might go out
24 in our community and help with our tornados that we
25 had back in 2018. National Honor Society could fall

1 in that same category. So any group that is in need
2 in our community or surrounding.

3 They might collect water and send it down to New
4 Orleans for the hurricane. Basically, any need that
5 arises would be an opportunity for the students in
6 National Beta Club and National Honor Society to
7 fulfill the hours that they have to earn to be in the
8 club.

9 So they have service hours, and I don't know the
10 number of service hours per group. But any
11 opportunity that arises where a group is in need,
12 they may go out and do that and then turn that in to
13 their sponsor.

14 Q Okay. So the Beta or National Honor Society itself
15 may have a set number of service hours, but for
16 Indiana's graduation criteria it's not a set number
17 of hours. It's just simply doing something to
18 demonstrate that you've done service-based learning
19 and having someone sign off on it?

20 A Correct.

21 Q And so if someone meets their service hours in Beta,
22 then that person -- their sponsor would then sign off
23 saying that they have fulfilled bucket 2 of the
24 Indiana graduation requirement?

25 A Right. Which could be those employability skills or

1 service-based learning.

2 Q So before a sponsor were to sign off on that, it
3 could be that -- I think you talked about
4 employability skills, including time management,
5 organization. I don't recall everything you talked
6 about.

7 A Yes.

8 Q But for a sponsor to sign off, would Beta or National
9 Honor Society satisfy those items as well?

10 A Correct. And then -- so sometimes students don't
11 fulfill their service hours, and so they don't get
12 signed off on in Beta and National Honor Society.

13 So they would either have to stay in Beta another
14 year and maybe fulfill it that way or go get a job to
15 fulfill that bucket 2 in another route.

16 Q Okay. And just to be clear, Beta and National Honor
17 Society both, based upon the sort of service-based
18 projects they do, satisfies bucket 2 either because
19 of employability or because of service-based
20 learning?

21 A Correct.

22 MS. ROBERTS: Okay. I don't have any other
23 questions.

24

25

1 FURTHER EXAMINATION,

2 QUESTIONS BY MR. FALK:

3 Q Bucket 2 is both employability and/or service-based
4 learning; is that correct?

5 A Correct. So --

6 Q What's bucket 3?

7 A Post-secondary competency skills. So showing that
8 you are prepared to go to some type of
9 post-secondary, so military, college.

10 You don't -- they also take things like how many
11 AP courses that you take and that you got a "C" or
12 above in those as well.

13 Q Okay.

14 A And so employability skills can be covered through
15 project-based learning, service-based learning, or
16 work-based learning.

17 So the work-based is the employability. The
18 service-based is the clubs that we have that provide
19 services or volunteer hours. Project-based learning
20 can be certain courses that we have where they
21 produce a product in that class.

22 Q And you testified before there's nothing to prevent a
23 sponsor of a non-official club from certifying that a
24 student had fulfilled their bucket for work that he
25 or she or they did in that club; is that correct?

1 A Correct.

2 Q And bucket 2 can be fulfilled by activities that have
3 nothing to do with school, being employed outside of
4 school, for instance; is that right?

5 A Yes.

6 MR. FALK: I have no further questions. Thank
7 you.

8 THE WITNESS: Thank you.

9 AND FURTHER THE DEPONENT SAITH NOT

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF HAMILTON)
3

4 I, Paula A. Morgan, Notary Public in Hamilton
5 County, Indiana, do hereby certify that the deponent
6 was, by me, sworn to tell the truth in the
7 aforementioned matter;

8 That the deposition was taken on behalf of the
9 Plaintiff at the time and place heretofore mentioned
10 with counsel present as noted;

11 That the deposition was taken down by means of
12 Stenograph notes, reduced to typewriting under my
13 direction and is a true record of the testimony given
14 by said deponent and was thereafter presented to the
15 deponent for signature.

16 I do further certify that I am a disinterested
17 person in this cause of action; that I am not a
18 relative or attorney of any of the parties or
19 otherwise interested in the event of this action and
20 am not in the employ of the attorneys for the
21 respective parties.

22 IN WITNESS HEREOF, I have hereunto set my hand
23 and affixed my notarial seal this _____ day of
24 December, 2021.
25

Paula A. Morgan, Notary Public

County of Residence: Hamilton

My Commission expires: October 9, 2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PENDLETON HEIGHTS GAY-STRAIGHT)
ALLIANCE,)

Plaintiff,)

v.)

No. 1:21-cv-02480-JRS-TAB

SOUTH MADISON COMMUNITY SCHOOL)
CORPORATION, *et al.*,)

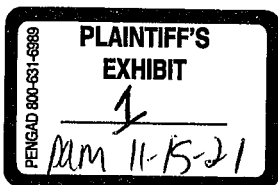
Defendants.)

Notice of Deposition

The parties are notified that the deposition of the Principal, Pendleton Heights High School will be taken pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure on November 15, 2021, at 12:30 P.M., at Administration Building, South Madison Community School Corporation, 203 S. Heritage Way, Pendleton, IN, 46064.

Pursuant to Rule 30(b)(6), the Principal shall designate one or more persons to testify on behalf of the Principal as to the following matters:

1. The approximate number of students attending Pendleton Heights High School and the grades present in the High School.
2. Whether Pendleton Heights High School allows student clubs, organizations, or groups to meet during non-instructional time at the High School. If so:
 - a. When during the week are clubs, organizations, or groups allowed to meet.
 - b. Where the clubs, organizations, or groups are allowed to meet.
 - c. The process through which a prospective student club, organization, or group must go through in order to obtain the authorization and all High School employees or other employees of the South Madison Community School Corporation who have authority to make the authorization.



- d. The employee(s) of the South Madison Community School Corporation who has/have the final authority to approve or deny the authorization to a prospective student club, organization, or group at Pendleton Heights High School.
3. All student clubs, organizations, or groups currently allowed to meet at Pendleton Heights High School during non-instructional time or that were allowed to meet during the 2020-2021 school year but are no longer meeting.
4. For each student club, organization, or group currently allowed to meet or that was allowed to meet at Pendleton Heights High School during the 2020-2021 school year, whether the group is or was curriculum related or non-curriculum related and all reasons why.
5. Are some of the student clubs, organizations, or groups allowed to meet at Pendleton Heights High School also allowed to post information about themselves at the High School, engage in fundraising at the High School, be mentioned in announcements that are broadcast at the High School, or allowed in any other way to publicize their existence to students at the High School? If so, how is a decision made as to what clubs, organizations, or groups are so allowed and all clubs, organization, or groups that are currently so allowed or were allowed during the 2020-2021 school year.
6. The circumstances under which student clubs, organizations, or groups at Pendleton Heights High School are listed in the High School's Student Handbook and all clubs, organizations, or groups currently listed.
7. Whether the Pendleton Heights Gay-Straight Alliance is currently allowed, or has been allowed in past school years, to meet during non-instructional time at the High School and how that permission was obtained.
8. Whether the Pendleton Heights Gay-Straight Alliance is currently allowed, or has been allowed, to post information about itself at the High School, engage in fundraising at the High School, be mentioned in announcements that are broadcast at the High School, or allowed in any other way to publicize its existence to students at the High School, and if not, why not.
9. Whether the Principal of Pendleton Heights High School has described the Pendleton Heights Gay-Straight Alliance as an "unofficial" club, organization, or group, and if so, why and when, and the effect of being so designated and the effect of being designated or recognized as an "official" club.

10. Whether the Principal of Pendleton Heights High School has, in the course of discussing the status of the Pendleton Heights Gay-Straight Alliance with a parent or any other person, specified that the treatment of the Pendleton Heights-Gay Straight Alliance was motivated by the need to remain "neutral." If this did occur, the circumstances of the conversation and the meaning of "neutral" in this situation.

11. All communications this school year between administrators at Pendleton Heights High School and student representatives of the Pendleton Heights Gay Straight Alliance or parents of High School students, concerning the Pendleton Heights Gay Straight Alliance including, but not limited to, communications allowing the group to meet at the High School or its ability to engage in fundraising at the High School, be mentioned in announcements that are broadcast at the High School, or allowed in any other way to publicize its existence to students at the High School.

12. Whether Pendleton Heights High School receives federal financial assistance.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, please produce at or prior to the deposition for inspection and copying by plaintiff's counsel, the following documents.

1. Any document listing all student clubs, organizations, or groups currently allowed to meet at Pendleton Heights High School during non-instructional time or that were so allowed during the 2020-2021 school year.

2. All documents concerning the Pendleton Heights Gay-Straight Alliance.

3. All policies of the South Madison Community School Corporation concerning the meeting of corporation-sponsored and non-corporation sponsored student clubs and activities on school premises.

s/ Kenneth J. Falk

Kenneth J. Falk

Stevie J. Pactor

ACLU of Indiana

1031 E. Washington St.

Indianapolis, IN 46202

317/635-4059

fax: 317/635-4105

kfalk@aclu-in.org
spactor@aclu-in.org

Attorneys for Plaintiff

Certificate of Service

I hereby certify that a copy of the foregoing was served on the below-named counsel of record via e-mail on this 8th day of November, 2021.

Liberty L. Roberts
CHURCH CHURCH HITTLE + ANTRIM
LRoberts@cchalaw.com

s/ Kenneth J. Falk

Kenneth J. Falk
Attorney at Law



Book Policy Manual
 Section 2000 Program
 Title CORPORATION-SPONSORED CLUBS AND ACTIVITIES
 Code po2430
 Status Active
 Adopted July 21, 2011

2430 - CORPORATION-SPONSORED CLUBS AND ACTIVITIES

The School Board believes that the goals and objectives of this Corporation are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the Corporation's courses of study but are directly related to accomplishing the core goals for students as adopted by the Board in Policy 2131.

For purposes of this policy, curricular-related activities are defined as those activities in which:

- A. the subject matter is actually taught or will be taught in a regularly offered course; **40**
- B. the subject matter concerns the Corporation's composite courses of study;
- C. participation is required for a particular course;
- D. participation results in academic credit.

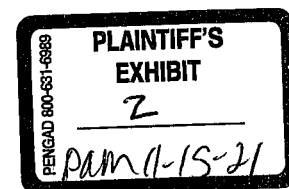
No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the Superintendent.

Such activities, as well as extra-curricular or activities not directly related to courses of study, may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board, and directed by a staff advisor.

The Board shall allow noncorporation-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in Policy 5730 - Equal Access For Noncorporation-Sponsored, Student Clubs and Activities.

Noncurricular activities for students that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of Corporation Facilities. The Board, however will not:

- A. assume any responsibility for the planning, conduct, or evaluation of such activities;



- B. provide any funds or other resources;
- C. allow any member of the Corporation's staff to assist in the planning, conduct, or evaluation of such an activity during the hours s/he is functioning as a member of the staff.

No noncorporation-sponsored organization may use the name of the School Corporation or any other name which would associate an activity with the Corporation.

Students shall be fully informed of the curricular-related and extra-curricular activities available to them. Corporation-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards. Whenever a student becomes a member of a Corporation-established student group or national organization such as the National Honor Society, in order to remain a member, s/he must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or the organization.

The Superintendent shall prepare administrative guidelines to implement a program of curricular-related clubs and activities and of extra-curricular activities. Such guidelines should ensure that the needs and interests of the students are assessed properly and procedures are established for continuing evaluation of each club and activity.

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Legal 20 U.S.C. 4071 et seq.
 I.C. 20-56-5-4, 20-30-15-6,7,8



Book	Policy Manual
Section	5000 Students
Title	EQUAL ACCESS FOR NONCORPORATION-SPONSORED, STUDENT CLUBS AND ACTIVITIES
Code	po5730
Status	Active
Adopted	July 21, 2011
Last Revised	January 11, 2018

5730 - **EQUAL ACCESS FOR NONCORPORATION-SPONSORED, STUDENT CLUBS AND ACTIVITIES**

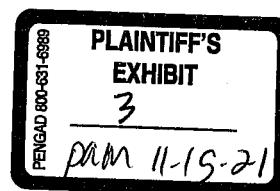
The School Board will not permit the use of school facilities by noncorporation-sponsored student clubs and activities or Corporation- sponsored, extra-curricular clubs and activities during instructional hours. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for noncorporation-sponsored student clubs and activities to meet on school premises shall be made to the principal, who shall grant permission provided that s/he determines that:

- A. the activity has been initiated by students;
- B. attendance at the meeting is voluntary;
- C. no agent or employee of the Corporation will promote, lead, or participate in the meeting;
- D. the meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;
- E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, creed, religion, gender, national origin, disability, or social or economic status.

The Board will not permit the organization of a fraternity, sorority, or secret society. A student initiated meeting may be attended by no more than three (3) outside resource persons. The Superintendent may exclude nonstudents from directing, controlling, or attending any such meetings of students.



11/12/21, 7:21 PM

BoardDocs® LT

A professional staff member may be assigned to attend a student initiated meeting in a custodial capacity but shall not participate in the activity. No professional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

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Legal

Equal Access Act of 1984, 20 U.S.C. 4071 et seq.

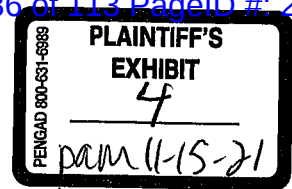
Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Civil Rights Act of 1964, 42 U.S.C. 2000e

I.C. 20-33-12

11/10/21, 10:37 AM

BoardDocs® LT



Book Administrative Guideline Manual
 Section 2000 Program
 Title CORPORATION-SPONSORED CLUBS AND ACTIVITIES
 Code ag2430
 Status From Neola
 Adopted February 1, 2014

2430 - CORPORATION-SPONSORED CLUBS AND ACTIVITIES

Since the policy of the School Board is to maintain a co-curricular activities program sufficiently varied to meet the wide range of vocational, recreational, social, and cultural needs and interests of the students, all students should be urged to join at least one (1) club or activity.

A. Existing Clubs or Activities

At the start of the school year, all students should be provided with information on existing clubs, and all co-curricular and extra-curricular activities and encouraged to participate.

B. New Activities

All new activities shall be approved in the following manner:

1. Requests for new activities should be submitted to the principal and contain the following:
 - a. purpose and rationale
 - b. intended outcomes for students
 - c. participation
 - d. plan of operation
 - e. costs
 - f. persons in charge
2. The Superintendent will review each request and either reject or submit each for Board approval.
3. Upon approval, an activity will be listed as a part of the co-curricular or extra-curricular program, and its fiscal account established by the principal.

C. Fiscal Compliance

Both co-curricular and extra-curricular activities need to comply with financial and bookkeeping controls established by the State Board of Accounts.

Each activity advisor is to provide the building principal with a periodic update on the fiscal status of the activity.

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BoardDocs® LT

Eligibility Requirements

All students who participate in interscholastic athletics shall meet the eligibility requirements described in the Athletic Handbook.

Eligibility requirements for participation in other activities shall be specified in the student handbook.

No student who has been absent for a school day may participate in an extra-curricular activity scheduled for the afternoon or evening of that school day without the approval of the principal.

Schedule Conflicts

Many students have multiple talents and interests they wish to develop or pursue through participation in Corporation-sponsored activities and groups. Since the Corporation's policy is to encourage such participation, the following guidelines have been established for dealing with potential schedule conflicts a student could experience when participating in more than one (1) activity.

- A. At the beginning of each semester or season, each staff member in charge of a credit course, co-curricular, or extra-curricular activity is to prepare a schedule for any practices, performances, or other after-school obligations involved in participation.

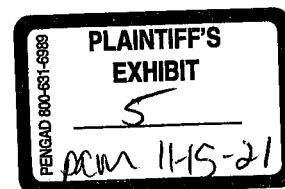
This information is to be sent to the school office and the guidance department when completed.

- B. By the first day of an activity, students are to be made aware of the schedule of any practices and performances as well as other obligations. Each staff-member-in-charge is to determine which, if any, students will have conflicts with other activities in which they wish to participate.
- C. If such conflicts exist, the staff-members-in-charge of the activities in conflict are to meet for the purpose of resolving the conflict. The emphasis should be on modifying the requirements so the student can participate in both activities.
- D. If it is not possible to resolve the conflict without seriously undermining the integrity of the activity program, the following procedure is to be followed:
 - 1. If one of the activities provides the student with credit and the other one doesn't, the student and his/her parents are to be made aware of the possible consequences of not enrolling in each activity and of not meeting the obligations for participation.
 - 2. If both activities are credit activities, the student is to be advised to contact the his/her counselor to work out a solution that does not penalize the student.
 - 3. If one of the activities is an after-school, off-shoot of a credit activity but is not, itself, a credit activity, e.g., jazz band from concert band, the requirements for the credit activity may not be imposed as a condition for participating in the noncredit, after-school activity.
- E. When the activity or program begins, the students are to be informed of the following:
 - 1. If a student encounters a previously-unforeseen conflict during the semester or season, s/he should inform both staff-members-in-charge as soon as possible in order to increase the likelihood that an accommodation can be worked out.
 - 2. If, during the year, an ad-hoc situation develops which creates a conflict in schedule for a student, s/he should discuss the conflict with principal who, in turn, will work with the staff-members-in-charge to try to reach an accommodation that is most advantageous to the student and least disadvantageous for the activities involved.
 - 3. If a student is experiencing difficulty in deciding between activities, s/he should make contact with the principal to discuss the alternatives rather than discuss it with the staff-members-in-charge.
 - 4. Under no circumstances is the student to be intimidated while making a decision by threats of penalties or future consequences.

PENDLETON HEIGHTS HIGH SCHOOL



STUDENT HANDBOOK 2021-2022



2. Students will be responsible for the actions of their guests.
3. Grade school and junior high school students will not be admitted to high school dances except when in the company of their parents who may be acting as sponsors.
4. All students attending will follow the school dress code with the exception of special dances.
5. Any student or guest leaving will leave school grounds and not return during the hours of the dance.
6. Sponsors must provide chaperones and auxiliary police in numbers sufficient to control estimated crowds at dances.
7. Slam dancing is not permitted.

ELECTION OF REPRESENTATIVES AND OFFICERS

Class Officers

A student may run for class office by obtaining an application form or petition from the Attendance Office. The petition must be signed by fifteen classmates. The candidate will be notified if he/she does not meet the qualifications.

Qualifications for Class Officers

1. A candidate must have a scholastic average (GPA) of at least C (5.0).
2. The candidate must be enrolled and a full-time student at the time of the election.
3. The election will be held by ballot and the candidate receiving a plurality will be declared the winner.
4. The candidate shall be required to give a speech to the class. This speech shall not be longer than one minute.
5. Three campaign posters per candidate will be permitted. Posters must be on poster board, with only one name appearing on each poster, and approved by the Student Council sponsor.
6. The candidate shall obtain three teacher references including at least one of the class sponsors. If the two teacher references rate the candidate below average, or if the class sponsor rates the candidate below average, the candidate may not run for office.
7. The student must be a full-time student during the entire year of his/her office or shall forfeit the office. The sponsor and steering committee shall have the power to replace the officer in a manner appropriate to the situation.

Steering Committees

The four class officers are selected in the spring for the following school year. These same officers also assume duties on the Steering Committee. Three additional students are to be appointed jointly by the class sponsors and newly elected president soon after the elections are held. The appointment of three at-large members shall be made by the sponsors who have had the class for the previous school year. Ten (10) students per class will serve as the Class Officer/Steering Committee.

Student Council

1. Each candidate must have had a scholastic average of at least 5.0 during the preceding year.
2. The student must be a full-time student during the entire year of his/her office or shall forfeit the office. The Student Council sponsor shall have the power to replace the member in an appropriate manner.
3. The election will be held by ballot. The two candidates receiving the most votes will serve a two-year term.
4. Each class will have one elected member for every fifty class members.
5. Three campaign posters per candidate will be permitted. Posters must be on poster board with only one name appearing on each poster and approved by the Student Council sponsor.
6. The Vice-President of each class will serve as a member and act as a liaison between the student council and his/her class steering committee.
7. The officers of Student Council for the following year will be elected in the spring by the current membership before class elections are conducted. The officers will be President, Vice-President, Recording Secretary, Corresponding Secretary, and Treasurer.

CLUBS AND ORGANIZATIONS

Academic Club

Academic Club members participate in the Hoosier Heritage Conference academic competitions. These competitions include the Hoosier Spell Bowl and the Academic Super Bowl. Club members work in teams to study and prepare for conference and regional competition. Teams that qualify participate in state competition.

Art Club

Art Club is open to any student who has completed one year of high school art. The aim of the club is to provide art students with the opportunity to widen their knowledge and interest in the field. The club takes trips to museums, college art departments, special exhibits, and other art related activities.

Best Buddies

Best Buddies is the world's largest organization dedicated to ending the social, physical and economic isolation of the 200 million people with intellectual and developmental disabilities around the world. Best Buddies membership is open to all students.

Delta Epsilon Phi (German National Honor Society)

The purpose is to recognize high achievement in German language studies. To qualify for membership at Pendleton Heights High School students must have completed at least three semesters of German, be a junior or senior, and have a German grade point average of 10.0(A-) throughout their study of German.

Deutscher Verein

German Club's aims are to provide students, school, and community with opportunities to become acquainted with the German language and culture. Membership is open to anyone who has taken German or is currently taking German.

FCCLA (Family, Career, and Community Leaders of America)

Membership is open to any student who has taken or who is currently taking Family and Consumer Science courses. This national vocational organization empowers young men and women to become leaders by addressing personal, family, work, and societal issues through family and consumer science education.

FFA - (National FFA Organization)

Membership is limited to those students regularly enrolled in vocational agriculture and who have a satisfactory program of supervised farm practice. The purpose of the organization is to prepare students for premier leadership, personal growth, and career success through agricultural education.

Book Club

Book Club is a student book discussion group. Students select book titles to read and then meet for a group discussion and snacks. Book titles selected in the past include The DaVinci Code, Beginner's Luck, The Five People You Will Meet in Heaven, and It's Not about the Bike.

La Societe Honoraire de Francais

La Societe Honoraire de Francais is a National French Honor Society. Its purpose is to recognize those individuals in French classes that have achieved and maintained high achievement in their class work. To be eligible for membership, one must complete at least three semesters of French and maintain an A- GPA in French studies. It is also highly recommended that these students maintain a B- overall GPA.

Le Cercle Francais

The aims of the French Club are to provide students, school, and community with the opportunities to become acquainted with the French language and culture. Membership is open to anyone who has taken at least one year of French or who is currently taking French.

Los Amigos Espanoles

The aims of the Spanish Club are to provide students, school, and community with the opportunities to become acquainted with the Spanish language and culture. Membership is open to anyone who has taken at least one year of Spanish or who is currently taking Spanish.

Mat Maids

The basic function of Mat Maids is to support wrestling by attending the meets and serving as host/hostesses at all tournaments. Support is also given to the wrestling team through money-making projects. Many social gatherings are held to provide opportunity for Mat Maids, wrestlers, parents, and friends to come together for fun.

Muse

The *Muse* is the PHHS literary magazine. Published twice annually, the *Muse* features student art and writing, which have been selected for publication by a student committee.

National Beta Club

The National Beta Club is a service-leadership club open to all sophomore, junior, and senior high school students who maintain a high level of scholarship). Effective school year 2018-19, all candidates must attain and maintain a 9.0 minimum GPA for

membership consideration. Beta Club members inducted prior to 2018-19 must maintain an 8.0 minimum GPA. The purpose of this organization is to provide opportunities and experiences enabling students to demonstrate the ideals of character, achievement, service, and leadership. All students who meet the academic requirement and who are of good character will be invited to become members. The student accepts membership by the payment of the national and local membership dues.

National Honor Society

The National Honor Society is an organization for juniors and seniors who are selected for membership based on their qualities of scholarship, leadership, service, and character as required by the national constitution. Individuals must have, and must maintain a minimum 10.5 cumulative GPA. Seniors in the Class of 2019 will be considered on the 10-point minimum scale. Effective with the Class of 2020, all candidates must attain and maintain a 10.5 minimum GPA for membership consideration. Members are selected by a faculty council consisting of five faculty members who are selected by the high school principal. Selection is determined by the faculty council based on academic achievement as shown by the GPA, the candidate's individual narrative, and input submitted by faculty and staff.

Outdoor Adventure Club

The purpose of Outdoor Adventure Club is to provide students with opportunities for outdoor activities and to promote physical fitness. Group outings include activities such as camping, horseback riding, canoeing, rock climbing, hiking, spelunking, and skiing.

Sociedad Honoraria Hispanica

Sociedad Honoraria Hispanica (SHH) is a National Spanish Honor Society. Its purpose is to recognize high achievement in Spanish and to promote a continuity of interest in Hispanic studies. To qualify for membership in the Captual Quijano at Pendleton Heights High School, students must have completed at least three semesters of Spanish and must maintain a 10.0 (A-) GPA throughout their study of Spanish.

Student Council

Student Council is a student government organization. A major responsibility of this organization is planning, organizing, and supervising Homecoming activities. Student Council members are elected each spring for the following school year. Each candidate must have a scholastic average of at least 5.0 during the preceding school year. Election is by all-school ballot, and the two candidates receiving the most votes will serve a two-year term. Each class will have one elected member for every fifty class members.

SADD

Students Against Destructive Decisions is a student organization that promotes making good choices and a healthy lifestyle. Students participate in various activities including peer to peer events, trips to the elementary schools to promote healthy choices and various events in the community and around the state.

WEEM Radio

PHHS is proud to be the only Madison County high school to offer broadcast training classes and its own FM radio station, 91.7. Students enroll in radio classes and must earn a radio broadcasting license by passing the FCC exam. Students have the opportunity to be "on the air" in a variety of broadcasting roles.

FRATERNITIES, SORORITIES, AND SECRET ORGANIZATIONS

A secret organization cannot be given recognition in any manner. Students are to refrain from manifesting membership or activity in such organizations. Pendleton Heights High School will sponsor and recognize only those clubs and organizations which are conducive to the proper growth and development of boys and girls. Membership in unrecognized, unapproved or unlawful organizations will prevent that student from participating in any activity as a representative of our school and may lead to the suspension or expulsion of the student.

All clubs and organizations must have a copy of their constitution on file in the principal's office. Membership cannot be subject to race, religion, national origin, or sex.

ATHLETIC COUNCIL

The Athletic Council which is composed of the Superintendent, a local school board representative, the high school principal, the high school athletic director, high school assistant athletic director, the middle school athletic director, and three (3) at-large varsity coaches will formulate and recommend policies for conducting the total athletic program to the Board of School Trustees. This Council also charges the building principals and the athletic directors with the responsibility of carrying out the policies adopted by

Ken Falk

From: Libby L. Roberts <lroberts@cchalaw.com>
Sent: Friday, November 12, 2021 7:26 PM
To: Ken Falk
Cc: Hollie Freimanis
Subject: PH GSA v. SMCS: Response to the RFP served with 30(B)(6) Notice
Attachments: Administrative Guidelines 2430 - Corporation-Sponsored Clubs.pdf; Policy 2430.pdf; Policy 5730.pdf; GSA Facility Usage form.pdf; GSA email communications.pdf

Ken,

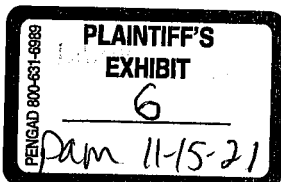
In response to RFP #1 on the Rule 30(B)(6) deposition notice, I understand that a list does not currently exist so that document cannot be produced. However, the School has compiled the following the information:

The following groups used the PHHS facilities in the 20-21 School Year:

Adventure Camp (submitted by Devin Dummel)
Choir Boosters (Erin Sprouse- now last name Frick)
Best Buddies (Riley Herrin)
Marching Band Meals (Chris Taylor)
Outfitter (Niki Brown)
Band (Chris Taylor)
Post Prom (Ginny Shelton)
Beta (Mitchell Webster & Rebecca Walls)
Pendleton Junior Football League (Troy McKinley)
Scuba Educators International (Mike Guard)
FFA (Holly Williams)
Boyd Family (Raymond Oyler)
Pendleton Legends (Bob Petty)
FCA (Kayla Riddell)
Rugby (Curt Trout)
Election Board (Olivia Pratt)
Ingalls Police Department (John Gaw)
Pendleton PD (Sam Quiroga)
Cheer Fusion Elite (Trista Bellotti)
Construction Trades (Doug Wilson)
Markleville Alumni (Debra Thommen)
Boys Basketball (Adam Ballard)
Pro-Train Inc (Sam Quiroga)

In response to #2, based on communications in our prior email exchange, attached is a facility usage form submitted by the GSA and email communications from this year relating to the GSA.

In response to #3, See Policy 2430 and Administrative Guidelines 2430. See also Policy 5730.



South Madison Community School Corporation
Board of School Trustees' Meeting
September 16, 2021

The Board of School Trustees' of South Madison Community School Corporation met in a regular session on Thursday, September 16, 2021 at 7:00 p.m. at Administrative Services Center with board members Angie Brown, Mike Hanna, Bill Hutton, Joel Sandefur and John Lord. Also in attendance were Superintendent Dr. Mark Hall, Assistant Superintendent for Secondary Curriculum, Instruction and College and Career Readiness Mr. Andrew Kruer, Assistant Superintendent for Elementary Curriculum and Instruction Dr. Laura Miller, Business Manager Ken McCarty, Corporation Treasurer Penny Myers, Lana Moore, Bryan Waltermire, Kevin Ray, Naomi Sandefur, Aaron Norrod, Kristin Case, Lauren Freeman, Mendi Clendenen, and approximately 8 additional patrons.

Richard "Buck" Evans entered the meeting at 7:08 p.m and Kaye Wolverton entered the meeting at 7:10 p.m.

CALL TO ORDER:

School Board President Bill Hutton called the Regular Board of School Trustees' meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE/PRAYER:

School Board President Bill Hutton asked everyone to stand for the Pledge of Allegiance and pause for a moment of silence.

ADJUSTMENTS TO AGENDA:

Superintendent Dr. Mark Hall stated there were no adjustments to the agenda.

CORE PURPOSE/CORE GOAL/CORE VALUES:

School Board President Bill Hutton read the Core Purpose, Core Goal and Core Values.

COMMENTS FROM PATRONS:

There were no comments from the patrons.

MINUTES AND ACCOUNTS PAYABLE VOUCHERS:

- 3.1 Joel Sandefur made the motion to approve the minutes of the Regular Meeting of the Board of School Trustees on September 2, 2021. The motion was seconded by Angie Brown and approved 5 – 0.
- 3.2 John Lord made the motion to approve the accounts payable vouchers #393 - 667. Mike Hanna seconded the motion and it was approved 5 - 0.

CONSENT ITEMS:

Joel Sandefur made the motion to approve Consent Items 3.1 through 3.7 as presented. The motion was seconded by Angie Brown and approved 5 – 0.

3.1 Certified Staff Recommendation:

Aubree Lanman, Long-term Virtual Substitute Teacher, Maple Ridge Elementary School

3.2 Support Staff Recommendations:

Alicia Dotts, Resource Instructional Assistant, Maple Ridge Elementary School
Nathan Silva, Resource Officer, Pendleton Heights Middle School
Sharon Gray, Part-time Virtual Instructional Assistant, Maple Ridge Elementary School

3.3 Support Staff Transfer:

Christy Keesling, Special Education Instructional Assistant at Pendleton Elementary School to Maple Ridge Elementary School

3.4 ECA Resignations:

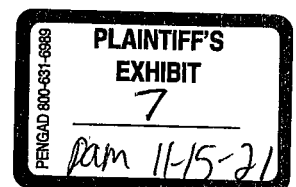
Shanna Miller, Girls Assistant Swim Coach, Pendleton Heights High School
Mindy Hertzler, Girls'/Boys' Swim and Dive Varsity Coach, Pendleton Heights High School

3.5 ECA Recommendations:

Larry Cunningham, 6th Grade Boys Basketball Coach, Maple Ridge Elementary School
Kim Collier, AIM Sponsor, Pendleton Elementary School
Trish Larrison, AIM Sponsor, Pendleton Elementary School
Amanda Safford, Girls'/Boys' Swim and Dive Varsity Coach, Pendleton Heights High School

3.6 Leave Request

Laura Poole, Teacher, East Elementary School



3.7 Donation Approval
DeVoe Chevrolet and Robert McCarney and South Madison Community Foundation, Monetary Donation to Pendleton Elementary School

FINANCIAL BUSINESS

- 4.1 Ken McCarty presented the following contract approval:
Andy Hughe (DJ), Pendleton Heights Homecoming, Ellen Fawcett Student Council Sponsor
Angie Brown made a motion to approve the contract as presented by the Business Manager. The motion was seconded by Mike Hanna and approved 5 - 0.
- 4.2 Ken McCarty presented a resolution to approve the Tax Anticipation Warrant for 2022. Joel Sandefur made a motion to approve the Resolution. The motion was seconded by Angie Brown and approved 5 - 0.

NEW BUSINESS:

- 5.1 Andrew Kruer recommended the acceptance of Non-Resident Students for the 2021-2022 School Year. He requested permission from this point forward to accept late non-resident student applications and enroll the students in school prior to count day, only if the student applicants meet the criteria for acceptance and space is available in the grade and the school requested. These applications would be presented to the Board for approval retroactively at the next scheduled Board meeting. Richard "Buck" Evans made the motion to approve the non-resident students and request. The motion was seconded by Angie Brown and approved 6-0.
- 5.2 Andrew Kruer made a recommendation for sixth and seventh semester graduates to be eligible for Summa Cum Laude Diploma and students earning a Summa Cum Laude do not have to complete a senior project effective immediately. Angie Brown made the motion to approve the recommendation. The motion was seconded by Joel Sandefur and approved 7 - 0.
- 5.3 Andrew Kruer made a recommendation for Robotics, e-Sports and Bring Change to Mind clubs to be new curricular-related activities at Pendleton Heights High School starting the 2021-2022 school year. Richard "Buck" Evans made the motion to approve the recommendation. The motion was seconded by Angie Brown and approved 7 - 0.
- 5.4 Ken McCarty requested permission to dispose of surplus outdated science equipment at Pendleton Heights High School. Mike Hanna made the motion to approve the disposal request. Angie Brown seconded the motion and it was approved 7 - 0.
- 5.5 Dr. Hall requested that the Board consider changes related to the hybrid instruction schedule at the secondary schools along with changes related to the individual building positivity rates. Joel Sandefur made the motion to approve the requested changes. The motion was seconded by John Lord and approved 7 - 0.

OTHER COMMUNICATION:

- 6.1 There were several patrons who spoke on various topics.
Kevin Ray spoke in opposition to mask wearing and inquired about wearing them at the Homecoming dance. He also asked about the control of the union over the school board. Dr. Hall stated that the Homecoming dance will be held outside. Mr. Hutton stated, in reference to the union, that they are employed by SMCSC and it is a team effort and the team works well together. He then read a statement regarding public comment and civility.
Kristin Case asked the public to please put the mask wearing to bed, that it has been decided. She thanked the Board for addressing some of the mental health and LGBTQ+ issues.
Mendi Clendenen read an email she had sent to the Board and administration about her opposition to masks. She stated she would be withdrawing her children for their physical and mental well being.
Lauren Freeman spoke in opposition to mask wearing, referring to other school districts and their decisions on this subject. She also would like to have all the parents surveyed on mask wearing. She thanked the Board for all they do
Robin Axel-Adams thanked the Board for addressing LGBTQ+ issues and voiced concerns about the GSA club.
- 6.2 Dr. Hall shared that they are going to make Homecoming as traditional as they can.
- 6.3 Bill Hutton recognized the Band for their outstanding performance. He stated the Fine Arts department is doing well. There was no further communication from the Board

ADJOURNMENT OF THE REGULAR MEETING:

There being no further business to come before the Board, Richard "Buck" Evans made a motion to adjourn the meeting at 7:39 p.m. The motion was seconded by Kaye Wolverton and approved 7 - 0.

Bill Hutto, President

Joel Sandefer, Vice President

Mike Hanna, Secretary

Angie Brown, Assistant Secretary

Richard "Buck" Evans, Member

John Lord, Member

Kaye Wolverton, Member

BUDGET HEARING

The hearing was called to order at 7:45 p.m. Ken McCarty read a statement in reference to the budget process. He then asked for public commits or questions. There was no public comment.

ADJOURNMENT OF THE BUDGET HEARING:

The hearing was adjourned at 7:48 p.m.

EXECUTIVE SESSION:

Board members met in Executive Session immediately after the Budget Hearing for discussion of strategy related to Collective bargaining and for discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems. I.C. 5-14-1.5-6.1 (2)(A)(3) The governing body certifies that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.



SOUTH MADISON COMMUNITY SCHOOL CORPORATION
Request for Use of School Facilities and Equipment
(Please Print)

Indicate Building:

- ☒ High School
☐ Middle School
☐ East Elementary
☐ Maple Ridge Elem.
☐ Pendleton Elementary
☐ Primary
☐ Pendleton Elementary Intermediate

Note: Arrangements for use of a facility must be initiated with the school principal.

Equipment/ Personnel Needed:
(Be Specific)

Note: Food Prep or use of kitchen must be coordinated with the Director of Food Svc at 778-2152 ext. 1015.
Note: Inflatables/bounce houses are not allowed on SMCS property.

Person in Charge of Activity Akers

Address 511 Stoner Drive Anderson 46013
Street City Zip Telephone

Name of Group GSA (Gay-Straight-Alliance)

Name of Activity Meetings

Area of facility to be used: Room 111

Age Group of Participants
(Mark all that apply)

- ☐ Elementary and Pre-School
☐ Middle School
☒ High School
☐ Adults

Date(s) of Use: Day of Week: Time Opened: Time Closed:

Thursdays every other week 2:30-3:30
1st & 3rd of month

Note: Board Policy does not allow the use of facilities on Sunday mornings. Please allow 30 minutes before the activity and 30 minutes after the activity to open and close the building. Custodian fees will be assessed for all Saturdays and Sundays. (Attach separate sheet if more space is needed.)

Activity Information:

Expected Attendance 10-15

Admission Charge \$ /

Names of Chaperons
Shelby Akers

Proceeds Used for: NONE

Please answer the following two questions by checking the appropriate boxes:

1. Are participants of this activity primarily students of the South Madison Community Schools? ☒ YES ☐ NO
2. Are participants of this activity primarily members of the South Madison Community? ☐ YES ☐ NO

The undersigned recognizes that the Board of Trustees of South Madison Community School Corporation is obligated to the whole public for protection, proper use and supervision of public school property and such property is never for "rent" in the same sense that commercial buildings are available; that school property cannot be used recklessly by small groups or individuals, even when expenses are paid—that school facilities must always be in complete daily readiness for their designated functions of education.

The undersigned agrees and warrants that all federal and state civil rights statutes and regulations and all federal and state anti-sexism statutes and regulations will be fully complied with and will fully implement such statutes in all instances in the utilization of the school corporation's buildings, facilities, or equipment. The undersigned further agrees to pay the school corporation's attorney fees, court costs, and any judgements rendered against the School Corporation as a result of the exercise of this rental.

The undersigned has read and understands the rules and regulations governing the use of these facilities and agrees to abide by the same and to be responsible for any damage to the building, furniture, and fixtures incurred in the use and occupation of the building, ordinary wear and tear excepted.

Filing requests at an early date will assist the administration in the timely scheduling of facilities as requested.

Signature of Person Making Request [Signature] Date 9/9/21

The above request does not interfere with the scheduled programs of the schools and the request is hereby recommended.

Principal's Signature [Signature] Date 9/9/21 School Personnel Assigned: Akers

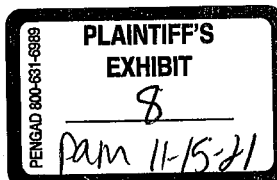
The above request is for purposes permitted by the rules of the Board of School Trustee and is approved.

Superintendent's Signature _____ Date _____

Fees: All fees must be paid to the Supt.'s Office.
DO NOT PAY THE STAFF AT THE SCHOOL

Rental \$ _____ Custodian \$ _____

Rev. July 2009





Connie Rickert <crickert@smcsc.com>

GSA

6 messages

Bryce Axel-Adams <bryceaxeladams@stu.smcsc.com>
To: Connie Rickert <crickert@smcsc.com>

Tue, Sep 7, 2021 at 4:22 PM

Mrs. Rickert,

When we last met, you asked how the administration can repair its relationship with the LGBTQ community, at the time I did not have an answer to that question, now I do. Let us promote the GSA, let us hang posters and flyers around as well as announce it during the announcements.

At last week's School Board meeting, Bill Hutton explicitly said that the decision of what can be advertised lies in the hands of the individual principals.

I have attached to this email, the flyer that I wish to put up around the school. Please do the right thing. We're counting on you.

Reece Axel-Adams
LGBTQ+ Student Advocate

Untitled drawing.pdf
34K

Connie Rickert <crickert@smcsc.com>
To: Mark Hall <mhall@smcsc.com>

Tue, Sep 7, 2021 at 4:26 PM

I am not sure what was said at the last meeting or in what context. I have been under the understanding that taking a neutral stance means no advertising for any outside organization such as GSA, Pendleton Rugby, etc.

Connie Rickert
[Quoted text hidden]

Untitled drawing.pdf
34K

Mark Hall <mhall@smcsc.com>
To: Connie Rickert <crickert@smcsc.com>

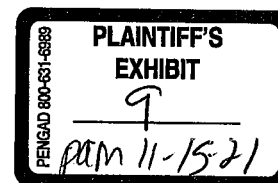
Tue, Sep 7, 2021 at 5:24 PM

I did not see Reece was not at the last school board meeting. [REDACTED] asked the board if they could advertise for a GSA. Mr. Hutton deferred that question to me and I told [REDACTED] that she needed to work with her Principal regarding the club. The board is not going to get involved in the operation of a student club. The board has adopted a policy regarding this that I have attached. It appears there is a process that needs to be followed according to the policy for the group to form.

Equal access act of 1984 is what I think you are referring to. It is cited at the bottom of the board policy. It says...

Under the Federal Equal Access Act, any school that receives government funding and has at least one other non-curricular club must also allow a GSA. As the law states, "It shall be unlawful for any public secondary school which receives Federal financial assistance...to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting ...on the basis of the religious, political, philosophical, or other content of the speech at such meetings."

The law also says that your school must treat all clubs the same and let them use school resources in the same way. If your school allows other clubs to meet in classrooms, put up posters and organize school events, then they have to allow a GSA to do the same.



You have to treat a GSA or any other non-curricular student clubs the same. If you let one group hang up posters you have to let any group that wants to form do the same. If you allow a GSA to hang up posters but not permit your existing groups, then you could be discriminating against the existing groups. When we had a GSA when I was Principal we gave the group space to meet just like all other groups such as the Fellowship of Christina Athletes and the group that organized meet at the pole event. We did not give them access to the daily announcements or hang-up flyers. We reserved those things for school corporation-sponsored activities. Whatever you do it has to be done consistently for everyone.

At this very least, I am not sure they are going to have time to follow the policy regarding the formation of the club by this Thursday if that is the day they are planning on meeting.

We can talk about this more tomorrow.

Dr. Mark J. Hall
Superintendent
South Madison Community School Corporation

[Quoted text hidden]

 5730.pdf
99K

Connie Rickert <crickert@smcsc.com>
To: Mark Hall <mhall@smcsc.com>

Wed, Sep 8, 2021 at 9:13 AM

Yes, I am aware of all this content.

I meet with [REDACTED] mother tomorrow.

Connie Rickert
[Quoted text hidden]

Connie Rickert <crickert@smcsc.com>
To: Bryce Axel-Adams <bryceaxeladams@stu.smcsc.com>

Wed, Sep 8, 2021 at 1:23 PM

I do not approve any non-PHHS announcements as we have discussed.

Here is the facility usage form. Submit the completed form to me for approval.

Connie Rickert
[Quoted text hidden]

Bryce Axel-Adams <bryceaxeladams@stu.smcsc.com>
To: Connie Rickert <crickert@smcsc.com>

Wed, Sep 8, 2021 at 2:14 PM

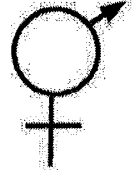
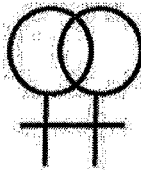
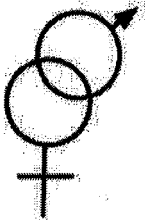
I would encourage you to read this especially the bolded, numbered list, especially number 8. I must also admit that I am extremely confused. We have seen throughout the years advertisements for the outdoor adventure club, the tux shop in town, outfitters, and even this year, Bring Change to Mind, and other clubs that I did not list. All of these being either business or noncurricular clubs. How are we different than those aforementioned clubs? I have quoted the suggested reading at the end of this email.

-Reece

"8. Imposing restrictions on the GSA that don't apply to other clubs: In addition to allowing GSAs to meet on school grounds, schools must provide GSAs with "equal access to available avenues of communication as provided to other non-curriculum related groups." *Straights & Gays for Equal. v. Osseo Area Sch.-Dist. No. 279*, 540F.3d 911, 914 (8th Cir. 2008). Examples of unequal and unlawful differential treatment include: requiring a faculty advisor for the GSA but not for other groups; placing different requirements on a GSA's posters, leaflets, and announcements than it places on other groups; or not allowing the GSA to be featured in the yearbook along with other clubs. In addition, delaying action on the GSA's application for approval, voting on the approval of a GSA when other school groups are not subject to a vote prior to approval, or in any way requiring a GSA to do more than other noncurricular clubs must to be officially recognized by the school can violate the EAA."

Pendleton Heights GSA

A safe place for everyone



Callout Meeting!

Thursday After School until 3:30 in Mrs.

Akers Room Room 111!

Hope to see you there!

PHHS, any staff, SMCSC, nor the School Board endorse the GSA and the display of these posters does not constitute an endorsement



Connie Rickert <crickert@smcsc.com>

Announcement

4 messages

Shelby Akers <sakers@smcsc.com>

Wed, Sep 8, 2021 at 10:02 AM

To: Bill Whitehair <bwhitehair@smcsc.com>, Connie Rickert <crickert@smcsc.com>, Christian Ruggles <cruggles@smcsc.com>

Good Morning!

If the following announcement could be played that would be awesome:

"GSA will be having their callout meeting after school on Thursday September 9th in Room 111. The meeting will last from 2:30-3:30 after school. If you have any questions, please reach out to Ms. Akers"

Have a great day!

Shelby Akers

Pendleton Heights High School

Art Department

sakers@smcsc.com

Connie Rickert <crickert@smcsc.com>

Wed, Sep 8, 2021 at 10:58 AM

To: Shelby Akers <sakers@smcsc.com>

Cc: Bill Whitehair <bwhitehair@smcsc.com>, Christian Ruggles <cruggles@smcsc.com>, LANA MOORE <lmoore@smcsc.com>

This is not a PHHS ECA. Announcements are reserved for PHHS ECA's.
Connie Rickert

[Quoted text hidden]

Connie Rickert <crickert@smcsc.com>

Wed, Sep 8, 2021 at 11:00 AM

To: Shelby Akers <sakers@smcsc.com>

Bcc: LANA MOORE <lmoore@smcsc.com>, Shaun Rose <srose@smcsc.com>, Michael Peo <mpeo@smcsc.com>

This is not a PHHS ECA. Announcements are reserved for PHHS ECA's. This is also why Pendleton Rugby, FCA, and other groups such as Raymond's church group do not have announcements on the PHHS announcements even though members of his church attend PHHS. I have encouraged the GSA to use social media to advertise for their group in the same way Curt Trout advertises for his Rugby group. I have encouraged them to post on the community board at the public library as well.

I am meeting with [REDACTED] mom tomorrow. She was told some misinformation. She states she was told that GSA is not allowed to meet here. That is not true. I allow organizations to use our facilities and for free when an employee is willing to let them use their space, unlock the doors, clean up and lock up. The group needs to fill out a facility usage form. I have not yet seen a facility usage form from GSA signed by a student. I appreciate you opening your door and giving them the facilities for free. GSA is a student-initiated organization similar to FCA (Fellowship of Christian Athletes) and should be student-initiated with only the employee acting in a custodial capacity.

I offered Axel-Adams a facility usage form at the beginning of the year but a form was not taken, nor filled out stating no desire to lead the group. This statement was in the presence of his mother Robin. I have explained to Axel-Adams many times the neutral stance that if I allow one, I allow all. So I allow non-PHHS groups to use our facilities to meet, but I do not allow them to hang up posters or use our announcements. This is not discriminatory. This is consistent.

I encouraged multiple identified GSA at the end of last year to select officers and keep the momentum going so GSA could hit the ground running this year. GSA has been around here since I started 14 years ago, but the student leaders let it dwindle out or it just dwindles out with no responsible leaders to have sustainability in my opinion. Please encourage the leaders selected this year to make every effort at the end of this year to have leaders in place for the 22-23 school year so that the GSA community does not constantly feel they have to start from scratch. I do not like that they do not feel valued as some have expressed. Everyone has value.

I tell you this so you are aware of events and maybe in some custodial role, can encourage student leaders to keep this going from year to year so the support for the GSA has longevity not just in times of controversy.

See board policy to be clear on who can come to meetings and the "custodial capacity".
<https://mail.google.com/mail/u/0/?tab=rm#inbox/FMfcgzGjjrGwfsZrXqwbSRhJDfMzst?projector=1&messagePartId=0.1>

Connie Rickert

On Wed, Sep 8, 2021 at 10:02 AM Shelby Akers <sakers@smcsc.com> wrote:

[Quoted text hidden]



Connie Rickert <crickert@smcsc.com>

GSA

1 message

Bryce Axel-Adams <bryceaxeladams@stu.smcsc.com>

Wed, Sep 15, 2021 at 11:17 AM

To: Connie Rickert <crickert@smcsc.com>

Can you explain to me exactly why the GSA cannot become an official school club?
As well as exactly why we cannot promote.

Reece Axel-Adams
LGBTQ+ Student Advocate

Shaun Rose <srose@smcsc.com>
To: Connie Rickert <cricket@smcsc.com>

Wed, Sep 8, 2021 at 11:23 AM

The link is dead. It goes nowhere.
[Quoted text hidden]

Shaun A. Rose
Assistant Principal
Pendleton Heights High School
One Arabian Drive
Pendleton, IN 46004
(765)778-2161 ext 6002



Connie Rickert <crickert@smcsc.com>

GSA-Urgent

2 messages

Bryce Axel-Adams <bryceaxeladams@stu.smcsc.com>

Wed, Sep 15, 2021 at 1:04 PM

To: Connie Rickert <crickert@smcsc.com>, srose@smcsc.com, Michael Peo <mpeo@smcsc.com>

Cc: mhall@smcsc.com

Mrs. Rickert,

I fully realize that at this point in time, we do not like each other. However, personal feelings should not dictate how one executes their job. One of your roles as principal of this school is to "implement the Board's policies and administrative rules and regulations."

With that being said, I would like to officially ask that the GSA be made a school-sponsored club.

In the event that you were to deny my request, I would like to know exactly why you will not allow the GSA an official school club.

I would also like for you to take a look at school board policy 2430 and policy 5751. I have quoted the sections that I believe to be of the most importance.

PO-5730: "A student-initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by this Board, except as provided by this policy."

PO-2430: "Students shall be fully informed of the curricular-related and extra-curricular activities available to them."

Reece Axel-Adams
LGBTQ+ Student Advocate

Connie Rickert <crickert@smcsc.com>

Thu, Sep 16, 2021 at 2:17 PM

To: Bryce Axel-Adams <bryceaxeladams@stu.smcsc.com>

Cc: Shaun Rose <srose@smcsc.com>, Michael Peo <mpeo@smcsc.com>, Mark Hall <mhall@smcsc.com>, raxeladams@comcast.net

Bcc: Samson Hunckler <shunckler@smcsc.com>

Last we spoke you stated you would not speak to me without your mom present. Are both of you available to meet sometime next week?

I have the following times available next week:

Tuesday after 10 AM

Any time Wednesday & Thursday between 7 AM-3:20 PM

Thanks,

Connie Rickert

[Quoted text hidden]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PENDLETON HEIGHTS GAY-STRAIGHT)
ALLIANCE, an unincorporated association,)
)
Plaintiff,)
)
v.)
)
SOUTH MADISON COMMUNITY)
SCHOOL CORPORATION, *et al.*,)
)
Defendants.)

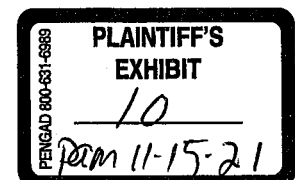
No. 1:21-cv-02480-JRS-TAB

Declaration of Reece Axel-Adams

Reece Axel-Adams, being duly sworn, says that:

1. I am 18 years old.
2. I attend Pendleton Heights High School, a public school located in Pendleton, Indiana.
3. The school contains approximately 1400 students in grades 9-12.
4. I am currently a senior and I have been in the school since I was a freshman.
5. I am familiar with the various clubs that are present in the school.
6. I am also familiar with the courses offered at the school.
7. The Pendleton Heights High School Student Handbook lists some, but not all the clubs or organizations, which are available to the students. I have attached the relevant excerpt of the Handbook to this declaration.

[1]



8. Some of the groups listed, like the foreign language clubs, relate directly to the foreign languages taught at the school.

9. However, some of the groups listed are not directly related to any courses at the school and do not, to the best of my knowledge lead to academic credit for those participating. These include Best Buddies, Mat Maids, Outdoor Adventure Club, and SADD ("Students Against Destructive Decisions"). These groups meet at the school during non-instructional times.

10. The student groups listed in the Handbook are able to publicize themselves and advertise their existence because they are listed in the Handbook.

11. I also believe that the groups listed in the Handbook may post information about their meetings on bulletin boards at the school. They may also be mentioned on the campus radio station that plays daily announcement through the school. In fact, on October 1, 2021, I heard an announcement for Outdoor Adventure Club during daily announcements.

12. There are also other groups that are not currently listed in the Handbook that are allowed to meet at the school during noninstructional time. These include Fellowship of Christian Athletes, E-gaming (for electronic game enthusiasts), Robotics (for those who are interested in building robots) and Bring Change to Mind (a group that focuses on encouraging dialogue about mental health).

13. Although the groups listed immediately above are not listed in the Handbook, I am aware that at least Fellowship of Christian Athletes, Bring Change to Mind, and E-gaming has been allowed to post information about its meetings on school bulletin boards and be part of the announcements that are broadcast through the school radio station as part of daily announcements.

14. I am aware that in the past there was a Gay-Straight Alliance (GSA) at the high school, although as of the beginning of this school year it had not met for a while.

15. A GSA is designed to allow gay, lesbian, bisexual, transgender, and allied students to meet in order to provide social, emotional, and educational support to each other.

16. This year I spoke to the Principal of Pendleton Heights High School and received permission to restart the Pendleton Height GSA ("PHGSA").

17. The purpose of the PHGSA is to provide social, emotional, and educational support to gay, lesbian, bisexual, transgender, and allied students at Pendleton Heights High School. It also serves to inform the school community as a whole of the existence of gay, lesbian, bisexual, and transgender students and is designed to foster tolerance and acceptance of all students regardless of their sexual orientation.

18. PHGSA has a faculty sponsor and has met in her classroom after instructional time. This has caused no disruption to the school or to the educational environment.

19. Although the Principal has allowed PHGSA to meet, she has indicated that the group is not an "official" club. As such, the group will not be listed in the Handbook and

cannot post information about itself and its meetings in the school. Nor can it advertise and publicize itself on the school's radio station.

20. The Principal has indicated that all these opportunities are being denied to PHGSA because the school needs to remain "neutral" on gay, lesbian, transgender, and related issues.

21. Given that PHGSA has only recently resumed operations, it needs to be able to advertise and get the word out to grow its membership.

22. PHGSA fulfills a vitally important role in providing a place of care and community for a group of students who often lack such support and to provide them with important information at a crucial period of their development.

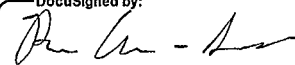
23. The inability of PHGSA to advertise and expose students to its existence and beneficial purposes is causing it to have fewer members than it would have if it was given the same ability as other clubs to advertise and publicize its existence.

24. This inability severely hinders and impedes the basic purpose of PHGSA, to be a place of shelter, support, and education, not just for gay, lesbian, transgender, and non-binary students, but for all students at the high school.

Verification

I verify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/6/2021 | 10:47 AM EDT

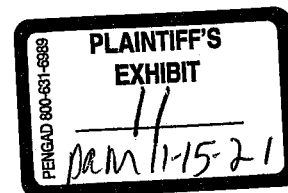
DocuSigned by:

3E9248BB6B574C7
Reece Axel-Adams

Prepared by:

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202



Book	Policy Manual
Section	9000 Relations
Title	RELATIONS WITH SPECIAL INTEREST GROUPS
Code	po9700
Status	Active
Adopted	July 21, 2011
Last Revised	February 18, 2021



9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fundraising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the School Board that students, staff members, and Corporation facilities not be used for advertising or promoting the interests of any non-school agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

A. Political/Commercial Interests

All materials or activities proposed by outside political or commercial sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their educational contribution to part or all of the school program, benefit to students, and good taste and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the Corporation.

B. Patriotic Youth Membership Organizations

The Board may provide a representative of a Patriotic Youth Membership Organization, as defined and organizations listed in Title 36 of the United States Code (e.g., Boy Scouts of America, Girl Scouts of the United States, Big Brothers and Big Sisters of America, and Boys and Girls Club of America) that has an educational purpose and promotes patriotism and civic involvement to provide an oral, written, or oral and written information regarding the organization to students of the Corporation.

If the organization makes such a request to provide oral or written information to students, the Corporation is required to provide at least one (1) time each school year, with a specific day and time specified, for the organization to provide the information on Corporation property.

Prior to the representative from the Patriotic Youth Membership Organization being permitted on Corporation property, the Corporation shall conduct an expanded criminal history check on the representative seeking to present information to students on Corporation property. The Corporation may request written consent for the expanded criminal history check from the representative of the organization. The representative is responsible for all costs associated with obtaining the expanded criminal history check.

A Corporation may, upon receipt of the expanded criminal history check, refuse to allow a representative to provide information if the representative that has been selected from the Patriotic Youth Membership Organization has been convicted of a felony listed in I.C. 20-28-5-8(c) or I.C. 20-28-5-8(d).

C. Contests/Exhibits

The Board recognizes that contests, exhibits, and the like may benefit individual students or the Corporation as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the Corporation;
3. involve any direct cost to the Corporation;
4. interrupt the regular school program;
5. cause the participants to leave the School Corporation, unless the Board's Policy 2340 - Field and Other Corporation-Sponsored Trips has been complied with in all aspects.

D. Distribution/Posting of Literature

No outside organizations or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on Corporation property either during or after school hours without the permission and prior review of the Superintendent.

The Superintendent shall establish administrative guidelines which ensure that:

1. criteria established in Policy 5722 - Student Publications and Productions are used to make a decision regarding materials that students seek to post or distribute;
2. distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated collective bargaining agreements;
3. the school mail system is not used by students or staff for distribution of nonschool-related materials;
4. no materials from any profit-making organization are distributed for students to take home to their parents unless authorized by the Superintendent;
5. the time, place, and manner of distribution of all nonschool-related materials is clearly established and communicated.

E. Solicitation of Funds

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations, individuals, or staff members who meet the permission criteria established in the Corporation's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830; no Corporation student may participate in the solicitation without the Superintendent's approval.

The Board disclaims all responsibility for the protection of, or accounting for, such funds.

Solicited funds are not to be deposited in any regular or special accounts of the Corporation.

Any booster club or school-support group that may use students in a fundraising activity must comply with I.C. 4-32.2-5-21

and Board Policy 5830 for any of the following types of fundraising events: bingo games, charity game nights, raffles, door prizes, fundraising festivals, activities related to pull tabs, punch-boards, tip-boards, and the like. Moreover, any fundraiser involving games of chance must comply with Indiana law, including obtaining the appropriate license or permits.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

All crowdfunding activities are subject to Policy 6605 and any administrative guidelines adopted by the Superintendent to implement Policy 6605.

F. Prizes/Scholarships

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this Corporation. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.
2. The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the principal.
3. The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient.

G. Sale of School Supplies

In determining the appropriateness of the sale of school supplies by organizations other than the School Corporation, the Board requires that:

1. the organization have a purpose which will benefit the School Corporation and its students;
2. the organization's planned activities are clearly in the best interest of the School Corporation and its students.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

H. Surveys and Questionnaires

Neither Corporation-related nor noncorporation-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved in accordance with the Superintendent's criteria, a copy of the results and the proposed manner of their communication are to be provided to the Superintendent for review and approval before they are released.

Revised 2/16/17

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Legal	I.C. 4-32.2-4
	I.C. 4-32.2-5
	I.C. 4-32.2-5-21
	I.C. 20-26-20
	I.C. 20-28-5-8(c)
	I.C. 20-28-5-8(d)
	I.C. 20-30-5-5
	I.C. 20-30-5-6